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| 186 | al. 16(2)c) par. 19(1) | Numéro ou numéros de téléphone cellulaire. Renseignements personnels, c.-à-d. numéro de téléphone et adresse de courriel d'un représentant de WE. |
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| 189 | al. 16(2)c) | Numéro d'identification de téléconférence. |
| 190 | par. 19(1) et 20(1) | Renseignements personnels et renseignements de tiers, c.-à-d. numéros de téléphone et adresse de courriel de représentants de WE, renseignements se rapportant à un épidémiologiste et à son travail, ainsi qu'à ceux d'une organisation (autre que WE) qui participent tous deux à la lutte contre la pandémie. |
| 191 | par. 19(1) et 20(1) | Renseignements personnels et renseignements de tiers, c.-à-d. renseignements se rapportant à un épidémiologiste, à ses opinions, à son travail et aux membres de son réseau. |
| 192 | par. 19(1) et 20(1) | La page en entier est définie comme des renseignements personnels et renseignements de tiers, c.-à-d. renseignements se rapportant à un épidémiologiste, à ses opinions, à son travail et aux membres de son réseau. |

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| 193 | par. 20(1) | La page en entier est définie comme des renseignements personnels et renseignements de tiers, c.-à-d. renseignements se rapportant au travail d'un épidémiologiste. |
| 194 | par. 19(1) et 20(1) | Le document en entier (pages 194 à 213) est défini comme des renseignements personnels et des renseignements de tiers et contient les identités et les opinions confidentielles de plusieurs parties sur la pandémie. |
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| 214 | al. 16(2)c) | Numéro ou numéros de téléphone cellulaire. |
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| 216 | par. 19(1) | Renseignements personnels, c.-à-d. numéro de téléphone et adresse de courriel d'un représentant de WE. |

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| 217 | al. 16(2)c) par. 19(1) | Numéro ou numéros de téléphone cellulaire. Renseignements personnels, c.-à-d. numéro de téléphone et adresse de courriel d'un représentant de WE. |
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| 219 | par. 19(1) | Renseignements personnels, c.-à-d. numéro de téléphone d'un représentant de WE. |
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| 223 | par. 19(1) | Renseignements personnels, c.-à-d. numéro de téléphone d'un représentant de WE. |
| 224 | al. 16(2)c) | Numéro d'identification d'une conférence et numéro ou numéros de téléphone cellulaire. |
| 225 | al. 16(2)c) | Numéro d'identification d'une conférence et numéro ou numéros de téléphone cellulaire. |
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| 227 | al. 16(2)c) | Numéro d'identification d'une conférence. |
| 241 | al. 16(2)c) | Numéro ou numéros de téléphone cellulaire. |
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| 310 | al. 16(2)c) | Numéro ou numéros de téléphone cellulaire. |
| 311 | al. 16(2)c) | Numéro ou numéros de téléphone cellulaire. |
| 312 | al. 16(2)c) | Numéro ou numéros de téléphone cellulaire. |

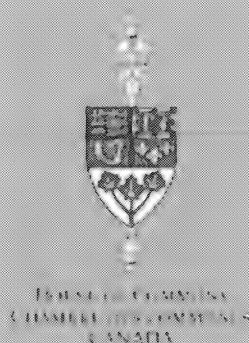
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| 319 | al. 69(1)e) | La partie caviardée est un renseignement confidentiel du Conseil privé de la Reine pour le Canada. |
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| 406 | al. 16(2)c) | Numéro ou numéros de téléphone cellulaire. |
| 407 | al. 16(2)c) | Numéro ou numéros de téléphone cellulaire. |
| 408 | al. 16(2)c) | Numéro d'identification d'une conférence. |
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Standing Committee on Finance

Comité permanent des finances

**EVIDENCE NUMBER 06,
TÉMOIGNAGES DU COMITÉ NUMÉRO 06**

UNEDITED COPY - COPIE NON ÉDITÉE

Tuesday, November 24, 2020 - Le mardi 24 novembre 2020

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(1605)

[English]

The Chair (Hon. Wayne Easter (Malpeque, Lib.)): I will call the meeting to order.

Welcome to meeting number 6 of the House of Commons Standing Committee on Finance.

Pursuant to the motion adopted by the committee on Thursday, November 19, 2020, the committee is meeting on government spending, WE and the Canada student grant study.

Today's meeting is taking place in a hybrid format, pursuant to the House order of September 23, 2020. The proceedings will be made available by the House of Commons website. You are aware that the website will always show the person speaking, rather than the entirety of the committee.

To ensure an orderly meeting, I would normally outline a number of rules, but I think, with the committee we have here today, they know the rules. Also, I'm sure the Clerk of the Privy Council knows the rules.

We will start with our first witness. I'd like to welcome, from the Privy Council Office, Ian Shugart, the Clerk of the Privy Council and Secretary to the Cabinet. I'm not sure, Mr. Shugart, if you have an opening statement. If you do, we'll allow you to make that. Then we'll go to questions.

First up on the question list, just for the committee's information, is Mr. Poilievre, Ms. Dzerowicz, Mr. Fortin and Mr. Julian.

Mr. Shugart, the floor is yours.

Mr. Ian Shugart (Clerk of the Privy Council and Secretary to the Cabinet, Privy Council Office): Thank you very much, Chair. I am glad to be here again.

The last time we went straight into questions but, given the subject matter, I do have a statement to begin, which I hope will be helpful, and it has been provided to the committee in the two official languages.

I was asked to discuss generally the cabinet confidence exclusions to public disclosure. I intend to lay out the fundamental principles underlying cabinet confidentiality.

As you know, democracies similar to ours have long recognized the need to safeguard the confidentiality of what is said at cabinet and the what comes before cabinet, and the documents prepared for those discussions. The reasons are clear. The process of governance in a cabinet-style democracy works best when cabinet members charged with government policy and decision-making are free to express themselves around the cabinet table unreservedly, free to discuss all aspects of the problems that come before them, and to express all manner of views. Confidentiality ensures candour in cabinet discussions and full and frank exchange.

Deliberations among ministers of the Crown and the documents that reflect the content of those deliberations are protected by the constitutional convention of cabinet confidentiality. It performs a vital role in our cabinet-style democratic system of responsible government. In a system of responsible government, cabinet is openly and collectively accountable to Parliament for the decisions it makes during the time it governs.

If ministers are to make decisions collectively, the privacy of their opinions and views in developing government policy must be protected. Otherwise, the collective responsibility of ministers to Parliament, which is essential to cabinet government, would be difficult to maintain.

Along with other constitutional conventions, cabinet confidentiality also serves to uphold the constitutional principle of the separation of powers between the three branches of the state. In doing so, it protects the integrity of our constitutional structure.

Canadian constitutional law has long acknowledged that sovereign power in this country is divided not only between Parliament and the provincial legislatures, but also among the executive, legislative and judicial branches of the state. Although there are limited areas of overlap, each branch plays a fundamentally distinct role.

In a recent unanimous decision, the Supreme Court of Canada reasserted that each branch must be able to perform its constitutionally assigned functions without undue interference by the others. Several doctrines work to prevent undue interference by one branch onto another. This includes the secrecy afforded to judicial deliberations, and the recognition of the privileges, powers and immunities enjoyed by the Senate, the House of Commons and the legislative assemblies.

In August the Supreme Court reaffirmed that the executive, too, benefits from a degree of protection against undue interference. The court specified that the deliberations among ministers of the Crown, and the records supporting and reflecting those deliberations, are protected by the constitutional convention of cabinet solidarity and confidentiality.

Of course, the constitutional convention protecting the confidentiality of cabinet deliberations does not exist just for the cabinet of the day. It exists for all cabinets, for those that came before it, and for those cabinets that will come after it. The constitutional convention and the protection it affords is for the benefit of our system of democratic governance, both the concept of cabinet solidarity in responsible government, and the ability of the executive branch to do its job.

(1610)

Recognizing this importance, Parliament resolved that access to cabinet confidences is extraordinary. Parliament chose to exclude cabinet confidences from a right of access under the Access to Information Act and the Privacy Act. It did not grant to its agents of Parliament a statutory right of access to cabinet confidences, nor, as a matter of federal law, did Parliament allow our courts access to cabinet confidences.

The committee's July 7 motion stipulated that cabinet confidences were to be excluded from the production of documents. This is in keeping with the House of Commons' long-standing practice of respecting the confidentiality of cabinet decision-making. The former Speaker of the House of Commons, the Honourable Roland Michener, in 1957, November, said that, "The decision of the government is one and indivisible. Inquiry into how it is arrived at, and particularly, inquiry into the cabinet process, is not permitted in the House." It is also how the Supreme Court understands the practice of the House of Commons, as noted in the fundamental decision of *Babcock*.

The Prime Minister and members of cabinet appeared before committees of the House to provide answers to questions about its decisions on the Canada student service grant. The Prime Minister and cabinet chose to make public its confidences on the CSSG because of the questions raised about the delivery of the program. This is a recognized exception in law to maintaining cabinet confidentiality.

As the Clerk of the Privy Council and custodian of cabinet confidences, I directed that a principled approach was taken to the treatment of cabinet confidences in this case to ensure a non-selective application of the protection of cabinet confidentiality. As a result, and in keeping with the public disclosures made by members of cabinet, considerable information on the grant, which otherwise would have constituted cabinet confidences, was provided to the committee.

This was one case. Mr. Chair, in the context which I have attempted to lay out of the doctrine of cabinet confidences, I hope that is useful to the members of the committee. Thank you very much.

The Chair: Thank you very much, Mr. Shugart.

We will go to six-minute rounds for the first four questioners. Mr. Poilievre, the floor is yours.

Hon. Pierre Poilievre (Carleton, CPC): Thank you very much, Mr. Shugart, for your appearance and for your service to Canada.

Question one is, can the Prime Minister of Canada fire you?

Mr. Ian Shugart: Indeed he can.

Hon. Pierre Poilievre: Right, so you do report to him and you do serve him.

How many pages of disclosures in the WE controversy have you determined to withhold or redact under the pretext of cabinet confidence?

Mr. Ian Shugart: I may not have all the facts at my fingertip, Mr. Chair, because I understood that the purpose of this afternoon's session was the discussion of cabinet confidences generally speaking. Our internal rough estimate is that less than 2.5% of all of the information provided to the committee was redacted on the basis of relevance, and that about 1% was redacted because of cabinet confidentiality.

Hon. Pierre Poilievre: That is not consistent with the numbers that we have, which show that roughly half of the total redactions were justified under subsection 69(1) and the other subsections of 69 which relate to cabinet confidence. Did you have an exact number of documents that were either withheld or redacted, partially or in entirety, under the pretext of cabinet confidence? I'm just looking for a number here.

Mr. Ian Shugart: No, I don't have a number today. I assume that will be clear in the law clerk's examination of the documents that we're providing.

(1615)

Hon. Pierre Poilievre: Well, he can't possibly look at those documents because they remain redacted or withheld. We were told that you would be the one to come before us and provide us that information.

Mr. Ian Shugart: Well, as I said, Chair, I had made that offer. This is the information that my officials have provided me, based on our analysis—

Hon. Pierre Poilievre: Right, okay.

Mr. Ian Shugart: —but I'm here to discuss cabinet confidence generally and —

Hon. Pierre Poilievre: That's what I'm asking about and so far you have not told us the number of redactions or withholdings you did under that section of the Act.

Can you confirm that every single document that you redacted or withheld under the pretext of cabinet secrets actually appeared at a cabinet meeting?

Mr. Ian Shugart: I presume that they would because they would be documents either records of decisions or documents that would have been available in the cabinet process.

Hon. Pierre Poilievre: Physically in the cabinet room when the cabinet met, all of those documents were there.

Mr. Ian Shugart: I presume so, Chair, but I won't make a categorical statement to that effect, no.

Hon. Pierre Poilievre: You presume so. We've been told by Liberal members that you're the one who decided to withhold or redact them, so it wouldn't be a presumption, you would know if it is actually true that you made the decision to withhold or redact these documents.

Mr. Ian Shugart: It's a separate question. The question was whether I could affirm that all the documents were present physically in the cabinet room.

Hon. Pierre Poilievre: Okay.

Mr. Ian Shugart: That, I suspect, is a very precise question with a very precise meaning, and I will not declare it emphatically.

Hon. Pierre Poilievre: We don't know if they were actually at a cabinet meeting. They are cabinet secrets but we don't know if they were actually in the cabinet meeting.

How many of the were memoranda to cabinet?

Mr. Ian Shugart: I'm not in a position, Chair, today to describe that the reason I've mentioned.

Hon. Pierre Poilievre: How many were discussion papers for the purposes of the cabinet decision-making?

Mr. Ian Shugart: The same answer applies, Chair.

Hon. Pierre Poilievre: How many were actual agendas of cabinet meetings or records of deliberations?

Mr. Ian Shugart: The same answer, Chair. I'm not going to quantify that. They would all have been of those types and categories and documents.

Hon. Pierre Poilievre: How many were records used for reflecting communications and discussions between ministers?

Mr. Ian Shugart: That would be the same answer, Chair.

Hon. Pierre Poilievre: How many were for the purpose of briefing ministers?

Mr. Ian Shugart: It's the same answer.

Hon. Pierre Poilievre: How many were draft legislation?

Mr. Ian Shugart: It's the same answer, Chair.

Hon. Pierre Poilievre: Okay, how many were records that contain information about the contents of any record related to cabinet?

Mr. Ian Shugart: As to quantification, it's the same answer.

Hon. Pierre Poilievre: We're not getting any answers, actually, with respect, and I do have a great deal of respect for you, Mr. Clerk, but we're told that you're the one who made the decision to withhold or redact all of this information. I've just listed all the legal justifications for withholding or redacting cabinet secrets that exist in the Access to Information Act to find out which of them you actually used for these redactions, and you can't give me any number to prove that these redactions were actually related to the legal authorities in the Act.

How can we be sure that 1) you were the one who even made this decision, and 2) that there was any legal foundation, purported or otherwise?

Mr. Ian Shugart: Chair, I indicated in my statement that I directed the public service. Specific redactions were made by departments under the authority of their deputy ministers, but I gave the direction as to the approach that would be followed consistent with statements that had been made by ministers and my commitment to this committee—

Hon. Pierre Poilievre: So it sounds like—

Mr. Ian Shugart: —to this committee, my commitment [*Inaudible*]

Hon. Pierre Poilievre: —it wasn't your decision.

The Chair: Mr. Poilievre, give the Clerk time to finish his answer and we'll go on to Ms. Dzerowicz.

Mr. Clerk, are you completed on your answer?

Mr. Ian Shugart: I'll finish the sentence, Chair, that I committed to this committee that I would provide the committee with as much information, as transparent as possible and as expansive definition of access to these documents.

I have answered the committee that less than 1% of the information provided to the committee was redacted by cabinet confidentiality.

I've given a percentage, not a number of pages.

(1620)

The Chair: Thank you very much, Mr. Clerk.

Ms. Dzerowicz for six minutes, please.

Ms. Julie Dzerowicz (Davenport, Lib.): Thank you so much, Mr. Chair.

I want to say a huge thanks to you, Mr. Shugart for coming before our committee again. Thank you for your tremendous leadership. Sometimes when we're in the bubble, we go through these committee meetings and we forget that we're going through an unprecedented pandemic so I want to say a huge thanks to you, to your team, to the entire public service for the tremendous work that they're doing through this pandemic and they continue to do as we move through it.

Thank you for coming back. You've actually disappeared... should I be worried about that?

The Chair: No.

Mr. Shugart, are you...? I think that was Mr. Poilievre—

Ms. Julie Dzerowicz: —Poilievre.

The Chair: —who disappeared.

Mr. Ian Shugart: I am still here.

Ms. Julie Dzerowicz: Okay, sorry Mr. Shugart.

What I want to make clear, just because it seems like my colleague, Mr. Poilievre, is holding out that redactions that are made by the public servants, by various departments, were conducted in a non-compliant manner, so can you just be clear with us? Because you said you provided direction to the deputy ministers of the various departments. Who actually makes the decision

about which cabinet confidences? Who actually makes that decision around the cabinet confidences that need to be redacted or that need to be excluded from what is submitted?

Also, can you speak to how the public servants do their job in a non-partisan, professional way and follow their obligations under the Privacy Act?

Mr. Ian Shugart: Yes.

On the matter of the redactions, I gave general direction to departments and supported by staff in the Privy Council Office, well trained in this area.

There were two principle aspects. Documents that normally would be cabinet documents, that covered material upon which the Prime Minister or members of cabinet had already publicly commented, anything answering that description was to be released, even though it was in the form of a cabinet confidence.

The second thing is that, as I committed to the finance committee in July, because the question was at the heart of discussions in cabinet, I would be as transparent as we possibly could be with relevant information, even if it were contained in cabinet confidences.

That direction was given to departments, to deputy ministers and to the people in the departments who do the actual work. They reviewed their documents and they made the redactions.

Sometimes there is a question that an official in a department will have uncertainty about, whether or not to redact, and that will be referred for advice to their counterparts in the Privy Council Office and that's what occurred in this case.

What is provided, then, is in this case a very large number of cabinet documents, either because they were in the public interest going directly to the matter before the committee and the public controversy at the time, or because the Prime Minister and ministers had already commented on those matters and in a sense cabinet confidence was already waived.

We do this—to answer your second question—with an absolute conviction about applying the law and the principles in the law. Whether it is convenient for a minister, on the basis of any partisan consideration, does not enter into it.

I have to say that in my experience, whether working for Conservative or Liberal ministers, whether answering questions from New Democrat or Bloc or government members, we are trained to do our work without regard to partisan interests. We work very closely with politicians, the elected branch of government, but our conviction in Canada, our values in our public service, are to do it without regard for the partisan interest of the government of the day.

That, I can affirm to the committee, was how we went about our business in this case, and I would say in every case.

② (1625)

Ms. Julie Dzerowicz: Thank you so much, Mr. Shugart.

I'd say to you that you were very clear that there is proper training about what to actually redact, so I heard that very clearly.

I also heard very clearly that it was done in a completely non-partisan way.

Maybe the last thing I just want to make sure is clear, there wasn't a different process when the Conservatives were in power versus what is happening right now? Because there seemed to be some question as to whether or not there was a different process. If there were documents that were actually asked to be submitted to committee under the Conservatives and to exclude cabinet confidences and they had to be redacted in a particular way, it was done following the same rules under the previous Conservative government as what it is we've asked for under our Liberal government this time around. Can you confirm that?

Mr. Ian Shugart: No two cases, of course, are exactly the same, but the principles are the same. One of the situations in a previous House of Commons under a Conservative government—I should be clear the House of Commons was not under a Conservative government, there was a Conservative government at that time—the Afghan detainees issue, has been very important in affirming and establishing the details of cabinet confidentiality. Although each case is different, the principles are the same and the process public servants will follow in applying the rules to the redactions would be the same.

The Chair: Okay, thank you both.

We'll go to Mr. Fortin, for six minutes, please.

The floor is yours.

[*Français*]

M. Rhéal Fortin (Rivière-du-Nord, BQ): Merci, monsieur le président.

Merci, monsieur Shugart, d'être présent aujourd'hui.

Caviarder un document de plus de 5 000 pages est un travail colossal. Je comprends les principes qu'on a dans les différents documents, ce qui est confidentiel, qui appartient au Cabinet et ainsi de suite. Ce n'est pas ce que je veux que vous abordiez, vous l'avez déjà fait.

Comment avez-vous procédé techniquement pour déterminer ce qui doit être caviardé ou pas? D'abord, quelles sont les personnes impliquées dans le processus? Vous n'êtes sûrement pas tout seul à lire les 5 000 pages avec un stylo feutre pour rayer item après item. Physiquement, qui participe à ce travail?

M. Ian Shugart: Les fonctionnaires de divers niveaux. Il y a un aspect de supervision, par exemple. Ce ne sont pas les plus jeunes fonctionnaires, mais ceux qui ont assez d'expérience. Ils prennent les documents et les lisent au complet. C'est un énorme travail.

M. Rhéal Fortin: Certainement.

M. Ian Shugart: On prend le stylo et si une ligne, quelques mots, un paragraphe, une page, plusieurs pages répondent aux descriptions d'une confidence du Cabinet, c'est annulé. Dans ce cas, et dans chaque situation, on applique le principe à savoir si c'est légitime de faire lire les mots, les paragraphes ou non.

M. Rhéal Fortin: D'accord. On est un peu loin de la question, mais je vous remercie de votre précision.

Ceci dit, vous ne m'avez pas dit qui. Vous avez dit quelques fonctionnaires, pas des juniors, donc des séniors, qui travaillent là-dessus. Combien de personnes ont été impliquées dans le processus?

(1630)

M. Ian Shugart: Cela dépend encore de la situation. C'est une approximation, je dois le souligner. On peut avoir, par exemple, le partage de tous les documents parmi une équipe de révision de 12 ou 25 personnes. Les documents demandés par la Chambre quant à l'étude du Comité permanent de la santé constituent des millions de pages. Je n'ai pas le nombre exact, mais il y en a beaucoup. Beaucoup de fonctionnaires doivent le faire.

M. Rhéal Fortin: Je ne veux pas être impoli, monsieur Shugart, mais nous avons peu de temps pour les questions.

Vous me dites qu'entre 12 et 25 personnes sont impliquées dans le processus, si j'ai bien compris? Peut-être 12, peut-être 25?

M. Ian Shugart: C'est plus théorique que cela.

Je peux offrir quelques exemples au Comité, dans l'administration.

M. Rhéal Fortin: Je vous remercie.

Donc, ce que je comprends c'est que vous n'êtes pas en mesure de nous dire exactement combien de personnes ont participé au processus de caviardage. Cependant, vous étiez l'âme dirigeante ou le superviseur, j'imagine, de toute l'opération.

Est-ce bien exact?

M. Ian Shugart: En principe, oui.

M. Rhéal Fortin: Pourquoi en principe?

Est-ce que c'était « non » en pratique?

M. Ian Shugart: Non, mais, j'ai donné la direction au début à travers le système et s'il y avait des questions, des doutes, des difficultés d'interprétation des instructions, les ministères auraient demandé au Bureau du Conseil privé de faire un jugement. En ce sens, oui, finalement, je suis responsable.

M. Rhéal Fortin: D'accord.

Pouvez-vous nous fournir le document effectivement pour nous dire qui a été impliqué dans le processus de caviardage en partant des différents ministères et à votre propre service, c'est-à-dire au Bureau du Conseil privé?

J'ai de la difficulté à saisir comment cela a été fait. Je comprends très bien votre position, cela doit être difficile pour vous de répondre à nos questions, si ce n'est pas vous personnellement qui avez déterminé quels passages pouvaient rester et quels passages devaient être enlevés.

J'aurais besoin de comprendre un peu comment vous avez procédé, si vous le voulez bien, monsieur Shugart.

Vous êtes bien d'accord pour me produire l'information, n'est-ce pas?

Merci.

Le deuxième aspect que j'aimerais vérifier, c'est quels sont les membres du Cabinet qui ont été consultés dans ce processus?

[*English*]

The Chair: That will be the last question, Mr. Clerk.

[*Français*]

M. Ian Shugart: Je n'ai consulté aucun des ministres pour faire approuver nos décisions. J'ai informé le premier ministre, si je me souviens bien, de mon approche à cet exercice, mais je n'ai pas consulté les ministres ni le premier ministre pour prendre des décisions en particulier.

[*English*]

The Chair: Thank you, both.

It's over to you, Mr. Julian for the first round of six minutes. The floor is yours.

Mr. Peter Julian (New Westminster—Burnaby, NDP): Thank you, Mr. Chair, and thank you, Mr. Shugart for your contributions and service to Canada. We hope you, your family and loved ones are safe and healthy during this pandemic.

You were asked a previous question, and you said that about 1% of the documents were redacted according to cabinet confidences. Can you just confirm that this is about 50 pages, of the 5,000 pages that were redacted or withheld on that basis?

Mr. Ian Shugart: Mr. Chair, it hadn't occurred to me to do the arithmetic in answer to the previous questions, but if that were the total number, then it would be in that order of pages. I don't know if it would be full pages.

As I said, a redaction can be a line or a paragraph. As I said, our estimate is that about 1% of the information provided to the committee was redacted on the basis of cabinet confidences.

Mr. Peter Julian: I find that disturbing because, as you know, well over 1,000 pages were substantially or completely redacted, so...about 1,500 pages of the whole. If we're talking about—

(1635)

The Chair: Mr. Julian, to interrupt and not take time away from you, can you move your mike away a little from your mouth? The translators are having.... It's coming through a little noisy. Try that.

Mr. Peter Julian: Thank you, Mr. Chair. Is that better?

The Chair: That's much better.

Mr. Peter Julian: I apologize. I didn't want to shout in anybody's ear.

Since we have about 1,500 pages substantially or completely redacted, it's disturbing—quite frankly—to me that you don't have the ability to answer more fulsomely the questions we are asking you. That, of course, was the objective in bringing you here—and not the theoretical approach, but rather to have a sense of why things were redacted so substantially.

I have two questions flowing from that.

First off, when you testified on July 21 to us, you stated that there were two cabinet discussions about the WE Charity. Can you confirm that those two discussions were subject to the cabinet confidences?

Secondly, a disturbing number of pages are marked "not relevant", including references directly to the Canada student service grant. Can you confirm with us how many pages that were marked as "not relevant" were redacted before they were sent to the Law Clerk? To an untrained observer's eyes, they are very relevant.

Mr. Ian Shugart: Chair, I want to assure the committee that I don't want to be argumentative but I also don't want to leave the impression that I have not responded to the committee's request. I wrote a letter to the committee indicating my and my colleague's willingness to come and explain redactions. That request was changed by the committee to an invitation for me to come and discuss Cabinet confidences in public disclosure. My understanding is that I have today followed exactly the request of the committee. We can follow up with further information and are happy to do so.

On the issue of what is redacted, we're talking about those redactions that were specifically Cabinet confidences. There may very well have been other reasons for redactions, including—as the member points out, Chair—relevance, commercial confidence in some cases—not, I suspect, in this one—and solicitor-client privilege which is a frequent basis of redactions. No one should think that all of the redactions were because of a certain Cabinet confidence. In fact, far from it. The majority of redactions were for other reasons. We can provide, in writing to the committee, further elaboration of what those redactions were based on.

The Chair: Mr. Julian.

Mr. Peter Julian: Thank you, Mr. Chair.

Thank you for your answer but it's very clear what the motion stated. I was the one who moved the motion. There were matters of Cabinet confidence and national security being excluded from the request. That has been a justification for some of the redactions but the redactions heavily went far beyond that. As you've pointed out, there's a whole number of other categories that didn't reference what the committee clearly indicated.

I have two questions. First, you understand when the committee asks specifically for documents, it's not the prerogative of the government to decide unilaterally a different approach. That's why we're currently discussing—though it's suspended—a privilege motion. Secondly, why wouldn't the Privy Council and public servants follow strictly what the committee actually requested back in July?

Mr. Ian Shugart: Chair, this question, the first question in particular, goes right to the heart of what we are talking about. I consider it a natural and a perfectly justifiable thing for a committee of the House of Commons to ask for information, including Cabinet confidences—in this case or any other. Equally, as I said at the outset, the executive branch has the constitutionally affirmed privilege of withholding certain information in order to be able to do its job. In the case of the WE Charity question, the government provided considerable Cabinet confidence. The Prime Minister and ministers spoke to the issues even though they contained Cabinet confidence and pursuant to that, the documents themselves were provided in considerable volume.

That does not change the constitutional convention that for reasons of supporting responsible government and the prerogatives of the executive branch of government to do its job, the executive does have the prerogative to withhold Cabinet confidences even when the legislature asks for it. This is a point of tension between the two branches of government and it is not

always convenient but it is a part of our constitutional structure and indeed it has been affirmed by the courts as recently as this summer by the Supreme Court of Canada.

© (1640)

The Chair: We'll have to end that round there, Mr. Julian. We're about a minute and a half over. My apologies, committee, but I do want to clear this up in fairness to the Clerk of the Privy Council.

The motion that we passed at the meeting the other day that brought the Clerk of the Privy Council here today said this:

And that the Clerk of the Privy Council and the Conflict of Interest and Ethics commissioner appear no later than November 25, 2020 to discuss Cabinet confidence exclusions to public disclosures....

It then goes on to talk about the law clerk. I just want to clear that up because there seems to be some confusion about the original motion and the reason we asked the clerk here today according to the motion.

Mr. Poilievre, you are on for a five minute round. The floor is yours.

Hon. Pierre Poilievre: Thank you, Chair.

Mr. Clerk, you are here to discuss exclusions under cabinet confidences according to the motion. How many such exclusions or redactions of so-called cabinet secrets were a part of the package that was released?

Mr. Ian Shugart: Chair, I regret, but I think we're back to the initial round. I am not in a position today to get into the numbers of documents.

Hon. Pierre Poilievre: Okay. You don't have that number.

Mr. Ian Shugart: That's right.

Hon. Pierre Poilievre: You can't tell us whether all of the documents, excluded or redacted, actually appeared at a cabinet meeting. Now it seems that you're saying that you didn't even see all the documents, even though we were told that you were going to be coming here to explain why they were redacted or excluded. Effectively, we're not getting any new information or a rationale today that we didn't already have, which brings back memories.

The Ethics Commissioner reported that nine witnesses could not provide information in the SNC Lavalin investigation because, again, of cabinet confidences as so defined by your office and by the Prime Minister. In it he says, "I was, therefore, prevented from looking over the entire body of evidence to determine its relevance to my examination"...requested democratically by Parliament. He furthermore said that he was unable to fully discharge his investigatory mandate, again, because of the application of so-called cabinet confidentiality.

Has the Ethics Commissioner been in contact with anyone in the government to acquire information regarding the WE scandal, to your knowledge?

Mr. Ian Shugart: No.

Hon. Pierre Poilievre: So he has not asked for any documents or any witnesses in the government to your knowledge?

Mr. Ian Shugart: That is correct.

Hon. Pierre Poilievre: So you have not been summoned to testify in his investigation or answer any of his questions.

Mr. Ian Shugart: No, I have not.

Hon. Pierre Poilievre: If he were to ask to see the documents that you have redacted or excluded under the pretext of cabinet secrecy, would you take the same approach in this WE scandal investigation that you took in the SNC Lavalin investigation?

Mr. Ian Shugart: As the custodian of cabinet confidences, I would take the same principled approach to every case, and Chair, given that the member has opened the door to the SNC Lavalin case, I think it worth pointing out that I indicated to the Ethics Commissioner that had he grounds for believing that specific cabinet confidences might assist him in his work, I was more than prepared to receive such overtures, and I did not receive any. I applied the doctrine of cabinet confidence in that case, the Prime Minister having already waived substantial cabinet confidence.

Q (1645)

Hon. Pierre Poilievre: Mr. Shugart, but with respect to his report, which is a matter of public record that you have not publicly disputed until now—

The Chair: Mr. Poilievre, if I looked at the time, the clerk...in the combination...your last two times needs a few more seconds to complete his answer. I'm not going to—

Hon. Pierre Poilievre: I hope it won't come off my time.

The Chair: Mr. Clerk, finish your statement, please.

Mr. Ian Shugart: Just to say, Chair, that the Ethics Commissioner and I did have an exchange of letters. I was entirely prepared to hear from him with respect to his reasons and the grounds for requesting further information, and there was no further request, and the matter stayed there. I do not dispute his report except to say that the Ethics Commissioner is likewise a servant of the House of Commons, and I deeply respect that role, but I am a servant of the exact—

Hon. Pierre Poilievre: Thank you.

The Chair: We'll have to go back to Mr. Poilievre. Go ahead.

Hon. Pierre Poilievre: With respect, the Ethics Commissioner has indicated that there were nine witnesses prevented from providing information to his investigation into the SNC Lavalin scandal, but were prevented from doing so—

Ms. Julie Dzerowicz: Mr. Chair, point of order.

The Chair: Mr. Poilievre, a point of order.

What's your point of order?

Ms. Julie Dzerowicz: We are starting to get into SNC Lavalin, a completely different case—

The Chair: I hear you.

Ms. Julie Dzerowicz: —and I don't find the relevance to what it is we're discussing now, and I don't see the relevance to this motion now.

The Chair: Thank you, Ms. Dzerowicz. We'll try to keep it relevant to the motion that we asked the clerk here for.

Mr. Poilievre, you have time for one last quick question.

Hon. Pierre Poilievre: The Ethic Commissioner did provide a rationale of what he needed, and why he needed it, in the context of that cabinet confidentiality dispute—we are now discussing another today—and still the government prevented him from receiving it. So, Mr. Clerk, allow us to be suspicious about the government's, and particularly the Prime Minister's, good faith when it comes to the application of so-called "cabinet secrets". If the so-called "cabinet secrets" was used as a pretext to prevent the truth from coming out in the last scandal, why should we not believe it would happen in this scandal?

Ms. Julie Dzerowicz: A point of order, Mr. Chair.

I am sorry, this is completely irrelevant to what we are supposed to be—

The Chair: The question has been asked. We'll let it go.

Mr. Clerk.

Mr. Ian Shugart: Well, I would never presume to limit the suspicion of members of the opposition, or any members of the House, but I would say that, as a servant of the executive branch, I applied the principles of cabinet confidence in terms of whether disclosure outweighed the public interest. In that particular case, as in every other case on which I have to make a judgment, that was the outcome. I think the Ethics Commissioner understands that, even though

undoubtedly he doesn't agree. But that dynamic tension between the legislature and the executive branch is part of our system.

The Chair: Okay, thank you both.

Mr. Fraser and Mr. Fragiskatos are splitting their time.

Mr. Fraser, you have roughly the first two-and-half minutes.

Mr. Sean Fraser (Central Nova, Lib.): Thank you, and please cut me off so I don't intrude on my colleague's time allocation.

Mr. Shugart, thank you for being here. I appreciate your willingness to come and testify before the committee.

During your opening remarks, I believe you described your approach as "a principled approach" that would "ensure a non-selective" redaction of the documents.

I take that to mean there were certain rules in place that you would have employed to ensure that no one could game the system and for partisan reasons have certain documents redacted. Could you explain in your own words what you meant by "a non-selective" approach?

Mr. Ian Shugart: Gladly, Chair.

One can imagine if there were not any application of principles at the outset of the exercise that neutral public servants might be inclined to look at one document and say, "Oh, this will be awkward, and we won't release it, but this one will be all right, so we'll release it". That is not the application of the principle of cabinet confidentiality, and it can't be allowed to stand. Therefore, I gave direction, as every other clerk before me has, to apply the redactions, if there were to be any, on a consistent basis, so that if there was anything the Prime Minister or ministers had already spoken to, they were to be released. If they went to the core of the issue about timing, about the advice that had been given in this particular case, our bias was to release them.

Now there might be other principles, such as national security—I don't think that would have applied in the WE Charity case, but it would in others—that a public servant might say, "We need to think about this one and we need advice on this particular issue", and that question would be examined from that point of view.

But that's what I mean by "a principled approach" at the outset.

(1650)

The Chair: A quick, snappy question, Mr. Fraser.

Mr. Sean Fraser: Sure.

You also gave testimony, Mr. Shugart, today there was no consultation with the Prime Minister, nor any cabinet ministers who would be the custodians of these documents during the process. Given there wasn't that nature of ministerial intervention and the non-selective approach, do you have confidence that any of the redactions were in fact made independently, without any partisan considerations, as the normal course should be?

Mr. Ian Shugart: I am completely confident that public servants consistently did their job and applied, according to the principles that had been set out, all of the examination of the records. I'm very satisfied.

Mr. Sean Fraser: And free from partisan considerations?

Mr. Ian Shugart: Absolutely.

Mr. Sean Fraser: Thank you.

The Chair: Mr. Fragiskatos.

Mr. Peter Fragiskatos (London North Centre, Lib.): Thank you very much, Mr. Chair.

Mr. Shugart, I want to quote something. It's from the National Post so my Conservative colleagues can avoid saying that I'm biased here in citing the quotation. It's attributed to you. I just want to read it to you and you can confirm whether or not you said it. It's from a 2019 piece around the time you were appointed Clerk of the Privy Council. It says as follows. Speaking to a parliamentary committee last June, Mr. Shugart also provided some perspective on his role as a public servant. Then then here's the quotation.

"Under both Harper and Trudeau governments, I have personally had the experience many times of giving ministers unwelcome advice and welcome advice, good news and bad," he said. "That is our responsibility."

Mr. Shugart, I ask this question because of what's been accused on the part of Mr. Poilievre. First of all, did you say that? Is that quote accurate?

Mr. Ian Shugart: That quote is indeed accurate. It sounds very much like something I would say and did say.

Mr. Peter Fragiskatos: So you serve cabinet, you serve the Prime Minister. But first and foremost is it fair to say that the Clerk of the Privy Council serves Canadians?

Mr. Ian Shugart: Yes, but I have to be clear. I'm a bit of a stickler about these things. The Public Service serves Canadians in some of our functions very directly. The agent at a call centre serves Canadians very directly. The agent at a Canada Revenue call centre or service centre does it directly. But we serve Canadians through serving the executive branch of the government. We are—

Mr. Peter Fragiskatos: Thunderstruck.

Mr. Ian Shugart: —part of the executive branch. We serve the government of the day regardless of stripe.

Mr. Peter Fragiskatos: Understood. But you are not under the thumb of the Prime Minister. That's what's been implied subtly by Mr. Poilievre and Conservative opposition colleagues at this committee in previous meetings unfortunately. Have you ever had—

The Chair: [*Inaudible*]

Mr. Peter Fragiskatos: —pressure on you to offer partial advice?

The Chair: That will be the last question, Mr. Fragiskatos.

Mr. Clerk.

Mr. Ian Shugart: My advice is to the very best of my ability, and I don't want to personalize it. This is true of all public servants, is impartial in the sense that [*Technical difficulty—Editor*] to have an interest in the partisan benefit or interest of the government of the day or any other party. We give our advice. We also take direction as to the decisions of the government of the day. But we do our best to give professional truthful advice. Is there human bias in that? Of course there is. But it is professional and non-partisan.

(1655)

Mr. Peter Fragiskatos: Thank you for our service.

The Chair: Okay, thank you.

We only have about five minutes left.

Mr. Fortin, we're into two and a half minute rounds. In any event, Mr. Fortin, and then Mr. Julian.

[*Français*]

M. Rhéal Fortin: Merci, monsieur le président.

Monsieur Shugart, je comprends que vous m'avez dit tantôt qu'il y a, disons une vingtaine ou à peu près de hauts fonctionnaires qui étaient chargés d'étudier les documents. Vous étiez responsable en fin de compte.

Voici la question que je vous adresse: est-ce que vous avez personnellement vu chacun des textes avant qu'ils soient caviardés? Quand quelqu'un dit qu'il va caviarder de la ligne 3 à la ligne 10, par exemple, est-ce que vous avez lu ce qui était proposé comme caviardage de la part de hauts fonctionnaires?

[English]

Mr. Ian Shugart: No, Chair. I did not. This was delegated responsibility to other public servants.

[Français]

Si je peux souligner que...

M. Rhéal Fortin: On a juste deux minutes.

M. Ian Shugart: Oui.

M. Rhéal Fortin: Merci, monsieur Shugart.

On pourrait avoir une discussion très longue et cela serait intéressant, je suis convaincu.

Je vous demanderais de me donner les noms des gens qui ont supervisé l'opération si ce n'était pas vous. Je comprends que [inaudible].

Je voulais également vous demander s'il y a des informations dans ces documents qui concernaient WE Charity Foundation ou si c'étaient toutes des informations concernant WE Charity. Vous comprendrez la distinction? Ce sont deux corporations différentes: WE Charity, WE Charity Foundation.

Est-ce WE Charity Foundation était impliquée dans les passages caviardés ou dans les documents que vous avez étudiés?

[English]

The Chair: Mr. Clerk, when you're answering Rhéal, could you adjust your mike a little bit. It's not coming through clear either. The translators were having a little bit of a problem. Rhéal.

Mr. Rhéal Fortin: I don't know why. It's fine over here. I'm not new.

The Chair: Mr. Clerk.

Mr. Rhéal Fortin: The mike is just there. What do you want me to do?

The Chair: Up or down.

[Français]

M. Ian Shugart: Monsieur le président, si je me rappelle bien, les documents étaient seulement au sujet du Mouvement UNIS. Quant aux noms des fonctionnaires, je voulais savoir seulement les noms des sous-ministres responsables des ministères.

M. Rhéal Fortin: Je veux savoir qui a décidé de caviarder des passages. J'ai besoin de ces noms. Alors, c'est à vous de voir comment vous pouvez me les donner. C'est ma demande. Qui, l'individu, a décidé de caviarder un ou plusieurs passages?

Mr. Ian Shugart: Je vous donnerai les noms des sous-ministres responsables. Tout est sous l'autorité des sous-ministres. Notre pratique n'est pas de donner les noms des fonctionnaires particulièrement ceux des échelons plus bas.

M. Rhéal Fortin: Je comprends, mais je comprends aussi de votre témoignage que vous n'êtes pas en mesure de me dire aujourd'hui...

[English]

The Chair: Mr. Fortin.

[Français]

M. Rhéal Fortin: Oui?

[English]

The Chair: Mr. Fortin, we're at the two and a half minutes. The clerk will finish his answer.

We're at two and a half. Those were the arrangements we made in the beginning.

Mr. Rhéal Fortin: Okay.

The Chair: That's what we're sticking with.

Finish your answer, Mr. Clerk.

Mr. Ian Shugart: No, that was all.

[Français]

M. Rhéal Fortin: Je vais finir ma question avant, monsieur le président.

Vous m'avez interrompu tantôt pour me dire que [inaudible].

[English]

The Chair: Mr. Fortin, you're well over time.

Mr. Rhéal Fortin: I understand.

The Chair: I'm not going to argue with you.

Mr. Clerk, please sum up your answer, or Mr. Julian will not have any time at all.

Mr. Ian Shugart: No, I'd rather hear from Mr. Julian than from me.

The Chair: Okay.

Peter, you're on for two and a half minutes.

Mr. Peter Julian: Thank you very much.

Thank you, Mr. Chair.

Thank you, Mr. Shugart, for being here today. What you're indicating to us, though, is disturbing: that the executive branch basically can go and turn its back on very clear committee direction.

I have three questions coming out of that. First, can you provide us with information detailed about the classification for each of the redactions that were done in the month of August, including the issue of documents that—according to some people's criteria—were not relevant? If you could provide us with that information, I think that would be very helpful.

Secondly, are you not saying—I don't want to put words in your mouth—that the executive does have the right to do the same redaction for documents, then, that go to the law clerk this time around? If the executive can expand its exclusion far beyond the committee's mandate, is that not a concern?

Thirdly, could you explain the uneven distribution of redaction around cabinet confidences by the fact that different public servants may have applied different criteria when they were excluding some of the documents on the basis of cabinet confidence?

Ⓢ (1700)

Mr. Ian Shugart: Chair, as to the first, I am happy to provide further information. I propose that it be in written form, but that was the offer to the committee and I'm happy to follow up with further information on that.

With respect to the third question, no, I don't believe that there was differentiation between different departments and public servants with respect to the principles applied to the redactions. That's why we set out the direction at the outset to departments, and we've done the same with respect to the current request for documents for the health committee. We've provided direction on what should be included in order to do our very best to meet this monumental task that the House has given us.

With respect to the second question, yes, I'm afraid that it is a fact that if the executive branch were to give all of the documents of cabinet confidence or commercial sensitivity or solicitor-

client privilege or national security to the law clerk that it would be, in a sense, waiving that privilege because the law clerk is a servant of the legislature, not of the executive.

That is not a reflection at all on the law clerk, who is a professional, experienced, highly qualified individual. It's a function of his being a servant of the legislature, and the executive has a responsibility to preserve its ability to do its job as the executive, and frequently that requires not divulging cabinet confidences or solicitor-client privilege or other kinds of information.

Now, we want to be as co-operative in this matter with the law clerk as we can. Meetings have been held, but at the end of the day this does come down to our system of governance and this dynamic tension between the executive and the legislative branches of government.

The Chair: We will have to end it there. Thank you, Mr. Shugart, for spending this time with us.

I believe there are two or three areas where you have agreed to provide further information to the committee and we will figure that out, I guess, when we see the blues.

Mr. Ian Shugart: Very good, Chair.

The Chair: With that, thank you again, and we will suspend for a couple of minutes and bring up Mr. Dion.

Meeting suspended.

③

③

③ (1705)

The Chair: We shall reconvene.

Welcome Mr. Dion.

We have for this session for the next hour from the Office of the Conflict of Interest and Ethics Commissioner, Mario Dion, Conflict of Interest and Ethics Commissioner.

I believe you have an opening statement, and we will then start into a round of question, I believe, with Ms. Jansen first.

Mr. Dion.

[*Français*]

M. Mario Dion (commissaire aux conflits d'intérêts et à l'éthique, Bureau du commissaire aux conflits d'intérêts et à l'éthique): Merci, monsieur le président.

J'aimerais remercier le Comité permanent des finances de m'avoir invité aujourd'hui pour parler d'un sujet qui a suscité déjà beaucoup d'attention de la part de plusieurs comités parlementaires. J'ai évidemment suivi les travaux avec intérêt.

Vous m'avez demandé de parler des documents que j'ai reçus en marge des enquêtes reliées au dossier *We Charity* et désirez probablement savoir s'il contenait du texte caviardé, des omissions, des exclusions, et plus particulièrement discuter de l'exclusion des documents confidentiels du Cabinet. Comme nous avons déjà reçu une grande partie des documents, je pense pouvoir être en mesure de vous aider.

[English]

First of all, however, I'd like to explain to members of the committee how the examination process works in order for the office to obtain documents. Examinations may be initiated by the Commissioner himself, or through a member of Parliament or a Senator. There are two ongoing examinations, in the public domain, requested by several members of Parliament who have brought me before you today, involving the conduct of the Prime Minister and the former Minister of Finance.

The first step we go through in any examination—they are called examinations under the Conflict of Interest Act—is to seek documents in writing—we ask in writing. We seek documents from organizations and individuals and ask that they be shared with us. As we always do, we ask to be provided documents without edits or redactions. It is expressly mentioned in the letter that we send each individual or organization. We do not want information to be redacted, and that is made clear in those letters.

In our view, to ensure a proper examination that is fair and impartial, we need to be the arbitrator of what is and what is not relevant to an examination.

Since my arrival almost three years ago there has only been one instance in the context of which I did not receive the information I requested, and I explained that situation in the Trudeau II Report which was just discussed with the Clerk of the Privy Council.

The second point I would like to make is, however, there are strict confidentiality provisions under subsection 48(5) of the Conflict of Interest Act that severely limit my ability to share information collected in the course of an examination. So we ask, we get, we examine, but I am working under some constraints under subsection 48(5) of the act, which says:

Unless otherwise required by law, the Commissioner, and every person acting on behalf or under the direction of the Commissioner, may not disclose any information that comes to their knowledge in the performance of their duties and functions under this section, unless

(a) the disclosure is, in the opinion of the Commissioner, essential for the purposes of carrying out my powers to examine, or in order to establish the grounds for any conclusion contained in a report.

There is another exception which is not applicable to the situation we are discussing today.

On cabinet confidences, we seek all information. We say "Please do not send us redacted, excluded, exempted material; do not exempt material, do not exclude material". On cabinet confidences—and my position is based upon my reading of the relevant parts of the act—my view is that we have a right to have access to all needed information for an examination, including cabinet confidences.

In Part 4 of the act, under *Mandate and Powers of the Commissioner* subsection 44(9) reads as follows:

(9) The Commissioner may not include in the report any information that he or she is required to keep confidential.

The protection is there for cabinet confidences.

Former Commissioner Mary Dawson addressed the Standing Committee on Access to Information, Privacy and Ethics on the topic of cabinet confidences, as did I on the Trudeau II Report. In her submission back in 2013 she said that it must be clearly understood that the Commissioner has the authority to access any document needed to conduct his or her investigations, moreover these documents must be provided directly to the Commissioner and not vetted by any other party so as not to compromise the integrity of the investigative process.

We talked about the Trudeau II Report. I have made the observations and to avoid potential delays in examinations and to carry out my proper investigative mandate, I must have access to all information I consider necessary to carry it out.

I mentioned some sections. There are some further other obligations under section 51 of the Conflict of Interest Act that pertain to recusals when a matter is under cabinet confidence, section 90 of the Parliament of Canada Act.

They are a vital component. I must see those cabinet confidences, and they are properly protected by the office both in preparing the report and in making the report public.

As an independent officer of Parliament, I must have unfettered access to that.

(1710)

[Français]

Depuis que votre Comité a entamé son étude l'été dernier, il y a eu des dizaines d'heures de témoignages. Si seulement je pouvais utiliser ces témoignages, je pourrais être en mesure de

finaliser mes rapports plus rapidement et éviter des pertes de temps considérables aux nombreux témoins impliqués. Juridiquement, je ne peux m'y référer pour l'instant parce qu'ils sont protégés par le privilège parlementaire.

— Le Président de la Chambre m'a informé il y a une dizaine de jours qu'il n'était pas habilité à acquiescer à ma demande seul. En fait, j'avais demandé est-ce que je peux utiliser les témoignages qui ont été faits devant le Comité permanent des finances. Il m'a suggéré plutôt de m'adresser au Comité permanent des finances, ce que je fais cet après-midi.

Par conséquent, pour les besoins des deux études en cours que j'ai mentionnées, je vous demande donc respectueusement, monsieur le président, de recommander que la Chambre renonce au privilège associé aux témoignages devant le Comité permanent des finances dans le cadre de son étude sur l'organisme UNIS et la Bourse canadienne pour le bénévolat étudiant.

Monsieur le président, ce sont là mes observations. J'aimerais simplement rappeler aux membres du Comité qu'il existe des limites significatives quant à l'ouverture avec laquelle je peux répondre à vos questions ici aujourd'hui, car je dois tenir compte des obligations de confidentialité strictes prévues dans la Loi sur les conflits d'intérêts.

Merci beaucoup, monsieur le président.

① (1715)

[English]

The Chair: Thank you very much, Mr. Dion.

We'll start into the six-minute rounds with Ms. Jansen, who will be followed by Ms. Koutrakis.

Ms. Jansen, the floor is yours.

Mrs. Tamara Jansen (Cloverdale—Langley City, CPC): Thank you.

Mr. Dion, first of all, thank you very much for coming.

I just wanted to ask him about the letter he sent in regards to the inquiry we had talked about on Mr. Morneau. I'm really confused with your ruling on not beginning an inquiry into Mr. Morneau's unpaid travel with his family funded by WE Charity. It's my understanding that since 2017—

Ms. Julie Dzerowicz: Mr. Chair, point of order.

What does this have to do with discussing cabinet confidence exclusions to public disclosures?

Mrs. Tamara Jansen: [Inaudible] —

The Chair: I think I will allow this one because it does relate to the WE Charity.

Go ahead, Ms. Jansen.

Mr. Sean Fraser: Additional point of order, Mr. Chair.

The Chair: Yes.

Mr. Sean Fraser: I just am having a really hard time hearing. I think the audio is coming through both the room you're in, as well from Ms. Jansen. I'm just having trouble hearing.

The Chair: Okay.

Mrs. Tamara Jansen: It sounds like it's better now. Can I continue?

The Chair: Yes, you can continue, Ms. Jansen.

Mrs. Tamara Jansen: Okay.

It's my understanding that since 2017, the year of his trip, the WE Charity has received over \$5.3 million in federal grants and contracts. In section 15 of the ethics code, it states that trips over \$200 must be disclosed within 60 days, and we all know that he didn't do that, yet you say in your ruling he did *[inaudible]* travel—

The Chair: Ms. Jansen, I'm not going to allow you to go too far by talking about all those things. Try and relate it to the purpose we invited Mr. Dion here for, not to make another case.

Mrs. Tamara Jansen: Well, I guess it's really hard to ignore the fact that the WE Charity government funding increased exponentially after his trip, so on what basis do you decide that he's not wearing his MP hat? How do you make those decisions?

Mr. Mario Dion: As I mentioned, there is an examination currently underway in relation to the former Minister of Finance. I will, in the report that will be made public at the appropriate time, discuss the reasons why I decided not to pursue the aspect of the trips and the reimbursement for the trips. I will explain that in the public report. I have no authority to do so until then.

Mrs. Tamara Jansen: Okay, so reading through your ruling, and of course I'm new so I want to make sure I understand well, you mentioned in your decision that since Mr. Morneau's wife made all the travel arrangements, that was proof he didn't go officially.

Ms. Julie Dzerowicz: Point of order, Mr. Chair.

The Chair: I'm going to give some leeway here so that we can get a final answer from Mr. Dion.

Go ahead, Ms. Jansen.

Mrs. Tamara Jansen: What I'm understanding from that, then, is that if my husband, Byron, organized a trip to, say, Kenya for the two of us to visit a charity, and later that same charity gets five times the government funding than they had prior to my visit, as long as I wasn't involved in any of the coordination of the trip, there'd be nothing ethically wrong with that? However, from where I sit, the perception would be that I hooked them up. I wonder if you could kind of help me with that.

Mr. Mario Dion: I will as soon as I publish the report that will explain fully the reasoning behind the decision not to pursue that further.

Mrs. Tamara Jansen: Okay.

The ethics code says that a member of family or a member can accept a gift, which could reasonably be seen to compromise them in their office. I realize Mr. Morneau's family could quite easily afford that trip, but judging by the increase in funding the WE Charity got after their visit, isn't it fairly reasonable to assume that something changed? It really appears that someone put a bug in someone's ear.

Mr. Mario Dion: Mr. Chair, I don't know what to answer to that suggestion.

The Chair: Well, if you can't answer, you can't, Mr. Dion. I would ask Ms. Jansen not to continue to go down that road on a family where the individual is not a member of Parliament right now.

I'm getting calls for points of order from the room here. I've allowed a lot of leeway on this, so I would try and hold it to the cabinet confidentiality request that we made in our submission to invite Mr. Dion and the Clerk here.

Mrs. Tamara Jansen: I'm trying to wrap my mind around how the Ethics Commissioner makes his decisions. We received this letter, so I'm trying to understand how someone like himself makes a decision. We know for instance that Mr. Morneau did not recuse himself from cabinet discussions about CSSG. He said so himself. Yet, you're not allowed to see those cabinet documents. How can you actually do your job that way? I'm really trying to wrap my mind around it.

(1720)

Mr. Mario Dion: I think I was suggesting in my opening remarks and I'm pleased to have an opportunity to clarify that we did receive all the documents we need in order to conduct these two examinations, including cabinet confidence.

Mrs. Tamara Jansen: Okay. I'm just trying to wrap my mind around how exactly you go about making your decisions. For instance, you mentioned in your other ruling that Mr. Morneau

had no involvement in the decision to fund the WE Charity student entrepreneurship initiative because he told you he didn't.

How exactly do you determine he had no involvement? Do you simply take his word for it? Is that how that works?

Mr. Mario Dion: No. In fact, the team that conducts the examinations, as well as the legal team—they sound like they're big things, but we're talking about four people altogether—reviewed the sum total of the documents that I was talking about as well as the submission made by Mr. Morneau. They recommended to me, and I accepted the recommendation, that on the balance of *[Inaudible]* we were satisfied with Mr. Morneau's assertion. That's how it happens. That's how it works in any examination. It's on a balance of probabilities. We have to decide whether we accept the version offered by the person who is the subject of the examination or we accept other assertions elsewhere. It's the totality of the evidence that leads us to a conclusion as to whether the act or the code have been contravened.

The Chair: Thank you.

Ms. Koutrakis for six minutes.

Ms. Annie Koutrakis (Vimy, Lib.): Thank you, Mr. Chair.

Thank you, Mr. Dion, for being here before us today. I hope you and your family are keeping well. I know that you're working really hard with your team. We're very grateful for the work that you and your team do.

Can you speak a bit more broadly about the ethical behaviour of our non-partisan public service? What policies or mechanisms are in place to ensure our public servants to work in an ethical and unbiased manner?

The Chair: I believe you're muted, Mr. Dion. We can't hear you.

Mr. Mario Dion: I'm happy to receive this question in order to clarify something that's not clear to everybody involved. The Conflict of Interest Act only applies to the most senior levels of government. We're not talking about the public servants at large. We're talking about Governor in Council appointees, ministers, exempt staff. We're not talking about directors, directors general, and up to and including assistant deputy ministers. They are governed by something different; the code developed under another authority.

I'm not responsible for offering educational activities aimed at public servants. It's the responsibility of the Treasury Board and that of each line department. My role is to focus on the people I've mentioned; the Prime Minister, the ministers, the secretaries of state, the Governor in Council appointees and such senior people, as well as the exempt staff.

We have 3,000 people, not the 400,000 people who are governed by the other authority.

Ms. Annie Koutrakis: Thank you for that.

[*Français*]

Pensez-vous qu'il y a eu une ingérence politique dans la rédaction des documents de la Bourse canadienne pour le bénévolat étudiant?

M. Mario Dion: Comme je vous ai dit, nous avons reçu les documents dans leur intégralité. La question est donc hypothétique en ce qui nous concerne. Je ne sais pas. Je n'ai pas vu et je n'ai pas analysé ce que votre comité avait reçu, mais de mon côté, il n'y avait pas de rédaction.

Mme Annie Koutrakis: Quels sont les politiques ou les mécanismes mis en place pour se prémunir contre toute interférence politique dans le processus de rédaction d'après vous?

M. Mario Dion: Je pense que M. Shugart a tenté de répondre à cette question tantôt.

Ce n'est vraiment pas de mon ressort. En passant, nous avons le même pouvoir qu'une Cour supérieure de justice de demander ces documents. Quand nous envoyons une lettre à une personne ou une organisation je pense que c'est pris au sérieux. Comme je l'ai dit, il y a une seule situation depuis trois ans où j'ai fait face à une tentative de rédaction. La question n'existe donc pas pour moi.

① (1725)

Mme Annie Koutrakis: Si le Comité arrive à une conclusion différente sur la même question, la jugeriez-vous utile? Pensez-vous que cela pourrait miner la confiance dans le processus?

M. Mario Dion: Non, je pense qu'on a des processus très différents. On a aussi l'aspect non partisan du Bureau par opposition à un comité parlementaire qui, par définition, peut être partisan et l'est souvent. Ce sont deux choses différentes.

Si vous me permettez, monsieur le président, en 30 secondes. Mon travail est de faire un examen lorsqu'un parlementaire m'a demandé de le faire ou selon l'ordre de mon propre chef. C'est de fournir des conclusions, d'obtenir les faits, de les analyser, d'en arriver à certaines conclusions et d'en faire part au premier ministre en vertu de la loi. C'est ainsi que fonctionne la Loi sur les conflits d'intérêt dans mon rapport que je rends au premier ministre et que je rends public le même jour, au même instant, une heure après. Je publie mon rapport et je dis au premier ministre que, à mon avis, il y a eu une contravention à la loi ou il n'y en a pas eu. Ce n'est pas du tout le même prisme que celui d'un comité parlementaire.

Mme Annie Koutrakis: Merci.

[*English*]

Do I have more time?

The Chair: You do have time for one more. Are you okay?

Ms. Annie Koutrakis: Yes, I have one more.

The Chair: Then you have one more.

Ms. Annie Koutrakis: A recent independent audit of the administration of the CSSG to WE Charity, conducted by Mr. Matt Torigian, who is the former Deputy Solicitor General for the Province of Ontario, has shown the government and the Prime Minister's Office did not predetermine that WE Charity would be selected to administer the program.

To what extent have you taken these findings into account, if you have, when investigating the administration of the CSSG? I'd like to hear your thoughts on that.

Mr. Mario Dion: My team has received thousands and thousands of pages of documents. I do not know for a fact whether this report is part of it. But I can assure you, after you've mentioned it, we will of course obtain a copy and review it to determine whether it contains any useful information to us. In addition, what we seek and receive, we also, of course on our volition, do web searches, and we obtain publicly available documents that pertain to our examination. You've just mentioned one, about which I was not aware, but it doesn't mean my team wasn't.

Thank you.

The Chair: Thank you.

We'll go to Mr. Fortin, followed by Mr. Julian.

Mr. Fortin.

[*Français*]

M. Rhéal Fortin: Merci, monsieur le président.

Merci, monsieur Dion, d'être avec nous aujourd'hui.

Vous avez vu l'ensemble des documents produits suite à la motion du 7 juillet. C'est bien cela?

M. Mario Dion: Mon Bureau les a reçus et l'enquêteur les a revus, pas moi, pas encore.

M. Rhéal Fortin: Combien de personnes de votre Bureau ont lu ces documents? C'est un travail d'équipe, j'imagine. Vous vous êtes séparé les pages? Quelqu'un lit les pages 1 à 100, l'autre continue?

M. Mario Dion: Non, dans ce cas-ci, je pense que l'enquêteur a lu la totalité des pages. Il est appuyé par un avocat qui, lui aussi, s'est tapé la totalité des pages. Donc, deux personnes.

M. Rhéal Fortin: Est-il possible de nous donner les noms de ces individus?

M. Mario Dion: En plus de leur surveillant, évidemment. Une avocate générale principale, Mme Martine Richard, est responsable de la boîte des enquêtes et des services juridiques. Elle chapeaute toutes ces activités. Dans ce cas-ci, Marie-Josée Smith est l'enquêteur et Michael Aquilino est le conseiller juridique affecté aux dossiers Trudeau et Morneau.

M. Rhéal Fortin: Ces individus ont vu l'ensemble des pages et ce qu'on proposait de caviarder ou pas, si j'ai bien compris?

M. Mario Dion: Je m'excuse, monsieur le président, on n'a pas fait de comparaison avec ce que le Comité permanent des finances a reçu. On n'a pas tenté d'en faire, parce qu'on a demandé et obtenu des dizaines de milliers de pages de notre côté.

M. Rhéal Fortin: Vous n'êtes donc pas en mesure de nous dire si cela a été caviardé correctement ou non. C'est bien cela?

(1730)

M. Mario Dion: C'est parce que qu'il aurait fallu [...]

M. Rhéal Fortin: Monsieur Dion, vous changez de sujet. Parfait.

Vous les avez lus intégralement.

M. Mario Dion: Il n'y a pas eu de caviardage de notre côté, c'est cela.

[English]

The Chair: One at a time, folks.

Mr. Dion first, and then back to Mr. Fortin.

[Français]

M. Rhéal Fortin: D'accord.

C'était terminé, je crois, non?

M. Mario Dion: Moi, j'avais terminé.

M. Rhéal Fortin: D'accord.

Merci, monsieur Dion.

Monsieur Dion, dans les documents que vous avez regardés, est-ce que vous vous souvenez d'avoir vu de l'information concernant un rapport de vérification diligente préalable à ce que l'on accorde le contrat dans cette affaire?

M. Mario Dion: Je n'ai pas moi-même revu l'ensemble de la documentation. Donc moi je n'ai pas vu, mais cela ne veut pas dire que ce n'est pas là du tout, parce qu'on n'est pas rendu à cette étape.

M. Rhéal Fortin: Est-ce qu'il est possible pour vous de nous informer, à savoir s'il y a ou pas dans les documents que vous avez reçus un rapport de vérification diligente?

M. Mario Dion: Comme je le disais pendant mes remarques d'introduction, en fait je ne suis pas libre de vous dire ce qui m'est dévoilé dans le cadre d'un examen jusqu'à ce que j'aie rédigé mon rapport. Donc, je ne peux pas répondre à votre question. Si c'est pertinent, le rapport va en faire mention et cela sera divulgué à ce moment.

M. Rhéal Fortin: D'accord.

Cela limite les questions que l'on peut vous poser, sinon on reste dans la théorie de qu'est-ce que l'éthique. Mais là, l'on est dans un cours presque universitaire.

En fait, êtes-vous capable de me répondre... en fait, vous ne pouvez répondre à aucune question concernant les documents, si je comprends bien. Quelle que soit la question sur le contenu des documents, vous n'êtes pas en mesure d'y répondre.

M. Mario Dion: Sauf à des questions d'ordre général comme je l'ai fait plus tôt. Comme j'ai mentionné tantôt à Mme la députée, je n'étais pas au fait si le rapport de vérification fait par l'ancien sous-solliciteur général faisait partie de la collection de documents.

Mais je ne peux pas me mettre à discuter du [inaudible] des documents jusqu'à ce que le processus prévu dans la loi soit complété.

M. Rhéal Fortin: On vous réinvitera peut-être à ce moment-là.

Cela dit, monsieur Dion, je vais donc me concentrer sur la théorie de la question. J'aimerais que vous me parliez de la responsabilité des gens qui caviardent le document. Je comprends qu'il y a un processus qui veut que les documents soient caviardés pour protéger les secrets, la confidentialité du Cabinet des ministres; cela va.

Plus tôt avec M. Shugart, j'ai vu qu'il y a un certain nombre d'individus, on parlait peut-être de 12, peut-être 25, plus quelques superviseurs — on ne sait pas exactement combien — qui voient l'ensemble des documents. Et M. Shugart est responsable en fin de compte de ce caviardage. D'un point de vue éthique, compte tenu des obligations de divulgation qui découlent de la motion adoptée le 7 juillet par le Comité, compte tenu des restrictions quant au caviardage — comment est-ce que je pourrais le dire? — quel est le niveau de fiabilité? Comment peut-on vérifier si ce qui a été caviardé l'a été correctement? S'il y a eu une erreur, par exemple, dans le caviardage, un

individu décide de caviarder un passage alors qu'il n'aurait pas dû l'être. comment peut-on s'assurer de cela au Comité?

M. Mario Dion: Je n'en ai aucune idée. Ce n'est pas de mon ressort. mais seule une cour pourrait trancher si effectivement les dispenses, les exclusions et les exemptions ont été appliquées correctement. En matière de privilèges parlementaires, les cours n'ont pas juridiction.

M. Rhéal Fortin: D'un point de vue éthique, je comprends que vous allez me dire que les instances gouvernementales ont l'obligation de satisfaire aux demandes du Comité. Est-ce que je me trompe quand je dis cela?

M. Mario Dion: Cela fait presque 40 ans que je travaille dans le secteur public et j'ai toujours tenu pour acquis qu'évidemment on était redevables au Parlement.

M. Rhéal Fortin: Oui. Mais s'il y a un ordre d'un comité demandant des documents, je comprends que l'instance en question, en principe, doit nous envoyer la totalité de l'information demandée; est-ce que j'ai raison?

[English]

The Chair: Last question.

[Français]

M. Mario Dion: Je ne le sais pas. Je ne suis pas un spécialiste en droit parlementaire. Je pense que le légiste pourrait vous éclairer là-dessus. Je ne pense pas que le Comité a le pouvoir de [inaudible].

[English]

The Chair: Okay.

[Français]

M. Rhéal Fortin: J'ai presque l'impression que l'on vous a dérangé pour rien aujourd'hui, monsieur Dion. mais je vous remercie d'avoir bien voulu participer à l'exercice.

[English]

The Chair: Rhéal, I'm sorry. We have to move onto Mr. Julian.

Mr. Julian, we're in a six minute round.

Mr. Peter Julian: Thank you very much, Mr. Chair.

Thank you, Mr. Dion, for your presence here today. We certainly hope you and your family and loved ones are staying safe and healthy during this pandemic.

You're getting a bunch of questions in part because this committee was shut down in August, so we had important testimony at the end of the July and early August of ethical considerations, and then the entire Parliament was shut down mid-August, as you know, with prorogation. Subsequent to that the Finance committee has been held up for the last two months because Liberal members didn't want these documents discussed. So, it's been four months since the finance committee has actually been able to question a witness on these important things.

I guess I apologize on behalf of the entire committee because of all this shut down and basically the committee being suppressed we now have a bunch of questions to ask.

My questions relate to the Prime Minister's testimony before us on July 30 and Mr. Shugart's testimony before us on July 21. Mr. Shugart testified just before prorogation that there were two cabinet discussions around the issue of the WE Charity and the substantial funding that the federal government wanted to put. He also testified that the Prime Minister had concerns, and the Prime Minister testified about this as well, around possible conflicts of interest.

I wanted to ask you, first, if the Prime Minister or the Prime Minister's office contacted you or the Ethics Commissioner's office around a potential conflict of interest, or whether you would expect that they normally would if there were potential conflicts of interest that they would actually reach out to you. Have you received the cabinet documents that reference the two discussions that cabinet had around this program?

0 (1735)

Mr. Mario Dion: Mr. Chairperson, I'm afraid I will once again disappoint members of the committee by saying that whether a public office-holder, whether it's the Prime Minister or a much more junior one, consults us or doesn't consult us is something that is private between the person in question and my office. There are clear provisions in the act that any advice we give to a public office-holder is confidential and I'm not at liberty to discuss it.

The obligation to recuse oneself belongs to the public office-holder. Section 21 of the act makes that very clear. We recommend that people, when in doubt, should consult with us. In fact, I gave an information session recently to 250 people in which I made clear the point that one should consult because we are more specialized, and number two we are more objective as well when it comes to telling or recommending a course of action. But, at the end of the day the person is accountable for his or her decisions to recuse or not to recuse.

I hope this answers your question. We did seek all relevant documents, including cabinet documents, and we have received them.

Mr. Peter Julian: But, you're unable to confirm that there were two cabinet discussions around this issue...Mr. Shugart, did testify to that effect.

Mr. Mario Dion: Not at this stage, no.

Mr. Peter Julian: Thank you.

This is public domain, so we're not revealing any confidences. The former finance minister had admitted just this summer, again, before the entire committee—all committees—were shut down by the Prime Minister that he had not read the conflict of interest rules.

Do you suggest that all cabinet ministers, and in fact all members of Parliament, should pay strict attention to conflict of interest rules and should actually be reading conflict of interest rules and regulations so that they understand their responsibilities?

Mr. Mario Dion: There is no doubt in my mind that anybody appointed to a senior public office should take the time to review the short Conflict of Interest Act. We're talking about 60-some sections—we're not talking about reading the Income Tax Act or the Criminal Code of Canada. It's entirely feasible. It's not plain language, but it's actually understandable. We also have on our website interpretation bulletins on several of the obligations under the act.

So, by all means, there is no question in my mind. In fact, my advice has been before being the Ethics Commissioner, because I've been a senior public office-holder for something like 25 years before that, read it once a year. Not only read it upon becoming a public office-holder, but once a year. It gives you some assurance that you actually remember the various obligations that you have under these instruments.

Mr. Peter Julian: Yes, that's good advice to all members of cabinet I think, moving forward.

We had testimony before this committee on July 28 and it was from the Kielburger brothers and they clarified that payments for auxiliary events where donors and potential donors get to sit and meet with some of the talent was part of the WE Day charities.

I'm interested in knowing whether that information.... This isn't the public office-holder communicating with you, but were you aware of WE's approach and these auxiliary event payments? Is that something that your office would be aware of that might involve public office-holders or their families?

① (1740)

Mr. Mario Dion: We are now aware and it will of course be reviewed in our report.

Mr. Peter Julian: But you weren't aware previously, so that was new information?

Mr. Mario Dion: Again, you know what is brought to our attention and not brought to our attention, I'm afraid is a matter of confidence between ourselves and the Prime Minister, the minister, or anybody else with whom the office deals.

The Chair: A last question, Mr. Julian.

Mr. Peter Julian: My final question is what advice do you have for the Prime Minister and the government regarding these issues around conflict of interest which have happened in repetition? You've certainly been able numerous times to judge the issue around conflict of interest. What would be your suggestion moving forward for the government to avoid these problems occurring yet again?

Mr. Mario Dion: We've already discussed the fact that one should read periodically the Conflict of Interest Act.

It's not a well-known fact, but under section 23 of the act, I have the authority to provide the Prime Minister with confidential advice as to what should be done either in a specific case or in general. So there is a tool where [Inaudible] can make [Inaudible] known to the Prime Minister, but again it's confidential.

The Chair: Okay, thank you both.

We'll go onto Mr. Poilievre who will be followed by Mr. Baker, two five minute rounds unless someone wants to split their time.

Mr. Poilievre.

Hon. Pierre Poilievre: To clarify with you, Mr. Commissioner, I understood your earlier testimony to be that the government has handed you over the same 5,000 pages of documents that had handed over to the committee. Was that your testimony?

Mr. Mario Dion: No. My testimony was that we didn't try to compare what we receive with what the committee had received. So I'm in no position to compare, but we seemed to have received slightly more pages.

Hon. Pierre Poilievre: More pages.

Mr. Mario Dion: Yes.

Hon. Pierre Poilievre: I would like to ask on behalf of committee that you performed that comparison and report back to us so that we might ascertain whether or not we have received all the documents we should receive. Would you commit to doing that?

Mr. Mario Dion: Maybe we didn't ask for the same documents. Maybe we asked for a much wider set of documents. That could explain the discrepancy.

Hon. Pierre Poilievre: Would you be willing to report back to us on the documents on a comparison between what we've received and what you've received?

Mr. Mario Dion: What I'll do is I'll discuss with my staff and determine the workload associated with doing that because I would not want this to detract from finalizing reports as soon as possible.

Hon. Pierre Poilievre: And you're saying that you had no redactions or exclusions in the package that you've received?

Mr. Mario Dion: That's what I said. That's right.

Hon. Pierre Poilievre: That is very strange.

Mr. Mario Dion: Except for material that did not pertain. So sometimes you have a document in which you talk about 90% is about the subject at hand.

Hon. Pierre Poilievre: Right. I understand.

Mr. Mario Dion: That's right. But apart from that, no. That's what I've been told by my team.

Hon. Pierre Poilievre: Okay, that is very interesting.

Have you ever encountered a situation where the government has applied the cabinet confidence as a rationale for excluding evidence that has prevented you from properly executing your investigatory function?

Mr. Mario Dion: I've already mentioned, Mr. Chair, what we call the Trudeau II Report, the SNC-Lavalin Report it's called by some. That was the only instance where sought, decided not to insist but we did not obtain the full gambit of documents that we were seeking from the government.

Hon. Pierre Poilievre: And did that prevent you from doing your full discharge of investigatory duties?

Mr. Mario Dion: It did not prevent me from reaching the conclusion we reached in the report. That's why I decided to proceed in the absence of the additional [*inaudible*].

Hon. Pierre Poilievre: But it does say in your report that "because of my inability to access all cabinet confidences related to the matter, I must, however, report that I was unable to fully discharge the investigatory duties conferred upon me by the Act. Is that accurate?

(V) (1745)

Mr. Mario Dion: Yes. It reflects the well known maxime that you don't know what you don't know.

Hon. Pierre Poilievre: Right.

Mr. Mario Dion: But I decided pragmatically that we had to come to a conclusion, so I did back in last year.

Hon. Pierre Poilievre: Yes. So even without all the information the government deprived you of, you were able to conclude that the Prime Minister had violated the law, so you just went ahead with your conclusion. I understand that. But it is clear that the government's unwillingness to provide you with all of this evidence in your words rendered you unable to fully discharge the investigatory duties conferred upon you by the act.

Mr. Mario Dion: That's what I wrote in the report, and I stand by that, of course—

Hon. Pierre Poilievre: Right.

Mr. Mario Dion: —but I did make the decision not to go back to the clerk, as you mentioned earlier.

Hon. Pierre Poilievre: I understand, but still it is clear the government's use of "cabinet confidences" as an excuse prevented you from doing your duty and completing the full scope of those duties under the Conflict of Interest Act.

Were you able to see any evidence to confirm the information they were withholding was in fact cabinet confidentiality?

Mr. Mario Dion: No, because I didn't see the information.

Hon. Pierre Poilievre: Right. So you have to—

Mr. Mario Dion: That's the egg and the chicken problem. You don't know what there is, therefore you cannot really assess anything.

Hon. Pierre Poilievre: So you can't be sure the information the government claims was a cabinet secret was in fact cabinet secrets.

Mr. Mario Dion: That's right.

Hon. Pierre Poilievre: So now the government is telling us once again they can't give us evidence because it's all cabinet secrets. But we had the Clerk of the Privy Council tell us today he can't confirm these so-called secrets ever reached the cabinet table.

Do you have any way of telling us how we can unravel the mystery of whether these are in fact cabinet secrets they are depriving us of?

The Chair: Last question, Pierre.

Mr. Mario Dion: I'm afraid I don't have any secret to offer on this one.

Hon. Pierre Poilievre: So we'll just have to take the Prime Minister's servant, whom the Prime Minister can fire and whom he hires, at his—

Mr. Peter Fragiskatos: A point of order, Mr. Chair.

The Chair: What's your point of order? Mr. Poilievre is out of time, but what's your point of order?

Mr. Peter Fragiskatos: I would advise my colleague that he should read the Magna Carta that is on his bookshelf. If he does, he'll understand the basic principles of democracy.

The Chair: I think that's stretching the point of order, so we'll go on to—

Mr. Peter Fragiskatos: He'll understand the clerk is independent and that he should stop besmirching his reputation.

The Chair: We'll go on to Mr.—

Hon. Pierre Poilievre: A point of order, Mr. Chair.

The Chair: What's your point of order?

Hon. Pierre Poilievre: You interrupted me before I was done my time, and you're not allowing me to finish.

The Chair: You were over your time. This is a five-minute round, not a six.

Hon. Pierre Poilievre: Yes, but I wasn't finished five minutes.

The Chair: Yes, you were, on both my clock and the clerk's.

Mr. Baker and—

Hon. Pierre Poilievre: It's a broken clock.

The Chair: —and Mr. Fraser are splitting their time.

Mr. Baker.

Mr. Yvan Baker (Etobicoke Centre, Lib.): I'm going to yield to Mr. Fraser first.

The Chair: Okay.

Mr. Fraser first, and then Mr. Baker.

Mr. Sean Fraser: Thank you.

And thank you to Mr. Dion for joining us as a witness today.

During Mr. Shugart's testimony earlier in this meeting, he explained the process that was employed to make certain redactions. I'll remind committee members of the reasons we've asked each of you to come here to discuss redactions on cabinet confidences.

If I can summarize, Mr. Shugart explained they established a process and a set of rules that will be employed, and the responsible deputy ministers had their staff then execute the redactions according to those rules.

In your testimony, you explained your rules apply to senior officials within government, and Monsieur Fortin, during one of his questions today, raised the issue of what if a civil servant did things the wrong way? What if they made a redaction they shouldn't have, for example?

This has been the current that has been underpinning the last number of meetings we've had on this particular issue. The allegation, that no one has seemingly made explicitly but seems to be hanging over everyone's head, is that some civil servant would have been directed by the government to redact this or that, and that would have been inappropriate, given what the committee had asked it to do.

If Mr. Shugart's testimony is true—and I believe it to be true, I believe him to be a man of integrity, and, more importantly, the person who holds that position must be beyond reproach—that there was no consultation with minister or the Prime Minister, and in fact the deputy ministers charged the civil servants beneath them to execute these redactions in accordance with the rules, do you think there could be an ethical violation if, in fact, the testimony Mr. Shugart gave today is true?

(1750)

Mr. Mario Dion: Yes, I follow your question. I listened to the clerk. I also believe that it was done in the manner he's described. But it's always possible. In spite of the directions, it's always possible that somebody doesn't follow the directions. I don't know. I'm just stating a fact.

Mr. Sean Fraser: Certainly. And I'm not asking you to suggest whether someone did break the rules. I'm asking if, in fact, the clerk's testimony is true, that there was not ministerial interventions to direct such redactions to take place. Even if there was a mistake made, would that constitute any kind of a violation of a conflict of interest or ethical requirements on those who are subject to the rules?

Mr. Mario Dion: No, it wouldn't, because the act deals strictly with a conflict between a private interest and a conflict between that and a public interest. It didn't apply.

Mr. Sean Fraser: Thank you, I appreciate that.

Very quickly, before I hand it over to my colleague, you mentioned that a full disclosure had been made with the exception of documents that did not pertain to what had been asked for moments ago, and that that satisfied you, that you had the information to do your work.

I used to run into this when we would deal with disclosure and litigation in my career before politics. On the issue of those particular redactions that do not pertain, there was no real difference—in my mind—to things that were not relevant that were included in an otherwise relevant document and other documents that just had no reference whatsoever. In your view, does the obligation to disclose change at all, because an irrelevant portion is contained in a document that may have some relevant material, or is it similar to the millions upon millions of documents that are within the custody of the Government of Canada that the government just chose not to produce because they're not relevant?

Mr. Mario Dion: As I stated in my opening remarks, my preference is that we get everything that's covered by what we've asked for, and that's what I believe that we received. In fact, I would prefer that no redaction be made because we can be the judge of what is irrelevant to what we've asked for. The more information we get, the better it is for us.

Mr. Sean Fraser: Sir, I'm asking not necessarily what's more or better, but whether it's in accordance with the rules.

Mr. Mario Dion: The rule is, "I ask you. You give me." It's akin to a court of competent jurisdiction, so in doubt, provide it.

That would be my advice.

The Chair: That's—

Mr. Sean Fraser: I've not saved much time for my colleague here, so I'll let him take over.

The Chair: Okay. Your colleague has about 25 seconds to make his question and get an answer.

Mr. Baker, do you have a very quick one?

Mr. Yvan Baker: Yes.

Is there any indication, Mr. Dion, that anything has been done by anyone in the public service—in the executive branch or anyone else—that has prevented you from fully performing your work effectively in this case?

Mr. Mario Dion: No, there is nothing of that nature.

Mr. Yvan Baker: Thank you very much.

The Chair: Thank you.

Thank you, all.

You did it right within time.

Mr. Fortin, you have two and a half minutes followed by Mr. Julian for two and a half minutes.

Mr. Fortin.

[Français]

M. Rhéal Fortin: Merci, monsieur le président.

Monsieur Dion, comme vous avez un certain niveau de sécurité qui vous permet d'avoir accès à l'entièreté des documents sans caviardage, peut-être connaissez-vous la réponse à ma question.

Est-ce que j'ai raison de penser que le légiste parlementaire a le même niveau de sécurité que le commissaire à l'éthique?

M. Mario Dion: J'ignore le niveau de sécurité du légiste parlementaire, je m'excuse. Le mien c'est « très secret ». Il pourra lui-même comparer avec le mien.

M. Rhéal Fortin: D'accord.

Êtes-vous en mesure de me dire si le légiste parlementaire n'aurait pas pu lui-même recevoir la totalité des documents sans caviardage avec possiblement des notes du greffier du Conseil privé lui suggérant ce qu'il pourrait caviarder?

M. Mario Dion: Je pense qu'il y a une distinction que le greffier a tenté de souligner. Effectivement, il y a une distinction entre le pouvoir exécutif et le législatif. Vous faites manifestement partie du législatif.

Je suis un officier de la Chambre des communes, mais j'ai le pouvoir d'obliger à produire des documents. C'est ce que j'ai fait, et cette fois-ci je les ai obtenus.

M. Rhéal Fortin: À votre avis, est-ce que le légiste parlementaire n'aurait pas dû recevoir la même chose que vous avez reçu?

M. Mario Dion: Je n'ai pas d'avis là-dessus, monsieur Fortin. Je ne suis pas qualifié pour les offrir.

M. Rhéal Fortin: D'accord.

D'un point de vue éthique, j'imagine que cela fait partie de votre mandat que de vous assurer que le gouvernement rende des comptes corrects qui correspondent aux normes applicables lorsque le Parlement fait une demande.

Le fait que le Parlement demande des documents non caviardés, et à remettre au légiste, est-ce que, d'un point de vue éthique, le gouvernement n'aurait-il pas du répondre à cette demande?

(1755)

M. Mario Dion: Dans mon titre, il y a le mot « éthique », mais c'est à peu près tout ce qui dans la loi comporte quelque référence que ce soit à l'éthique. C'est axé presque exclusivement sur les conflits d'intérêts: un conflit entre un intérêt public et un intérêt privé, point.

Donc, je ne suis pas habilité à offrir des opinions en matière d'éthique autre qu'en matière de conflits d'intérêts.

Je suis franc avec vous.

M. Rhéal Fortin: Oui, je sais.

Vous m'avez l'air tellement compétent et je vous trouve sympathique.

J'aurais bien aimé que vous puissiez répondre à toutes les interrogations que je peux avoir. Manifestement, ce n'est pas le cas et j'ai envie de vous répéter ce que je vous disais tantôt. Je m'excuse presque de vous avoir demandé, au nom de l'ensemble du Comité, de témoigner aujourd'hui. Je pense que vous êtes quand même limité dans ce que vous pouvez nous répondre, malheureusement, monsieur Dion. Ce n'est pas de votre faute, et je le comprends.

Je vous remercie.

Bonne fin de journée.

M. Mario Dion: Merci.

[English]

The Chair: Thank you. You're right on time, Rhéal.

Mr. Julian, you have two and a half minutes.

[Français]

M. Peter Julian: Merci beaucoup, monsieur le président.

Merci, monsieur Dion.

Vous avez parlé tantôt des documents que vous avez reçus sans avoir été rédigés. J'aimerais savoir quel était le processus pour obtenir ces documents surtout quand il s'agit de documents confidentiels du Cabinet. Avez-vous fait parvenir une lettre au greffier du Bureau du Conseil privé? Quelle était la démarche à suivre?

M. Mario Dion: En fait, chaque fois que nous commençons un examen, nous déterminons d'abord qui à notre avis pourrait posséder de l'information pertinente concernant ce que nous

essayons d'examiner. Nous faisons une liste de gens et d'organisations à qui nous écrivons une lettre très claire. La lettre est rédigée de façon à ce que ce soit très clair que nous voulons tout voir qui se rapporte directement ou indirectement au sujet.

Au début de mes remarques d'ouverture, j'ai mentionné que je ne peux pas vous dire à qui nous avons demandé quoi jusqu'à ce que le rapport soit publié. Vous allez voir qu'il y aura la liste des témoins et une indication des sources que nous avons consultées, mais jusqu'à la publication du rapport malheureusement la loi m'interdit de vous révéler à qui nous avons envoyé une lettre.

M. Peter Julian: Est-ce possible de communiquer au Comité ce qui a été demandé?

M. Mario Dion: Nous pouvons peut-être vous envoyer la lettre type qui a été demandée. Cela vous donnera une idée des paramètres généraux sans savoir à qui elle a été adressée.

M. Peter Julian: Oui.

Vous avez dit en réponse à la question de M. Poilievre tout à l'heure que nous n'avons peut-être pas demandé les mêmes documents. Ceci est tout à fait vrai. Nous avons une motion qui n'a pas été respectée vraisemblablement et le témoignage de M. Shugart nous indique que l'exécutif se foutait un peu de suivre à la lettre ce que nous demandions. Ceci dit, votre lettre type est la lettre qui demande les documents confidentiels du Cabinet. Cela nous donnera une façon de comparer ce que nous avons demandé et ce que vous avez demandé.

Est-ce possible de nous en faire part?

M. Mario Dion: Je vais obtenir un conseil pour savoir si fournir la lettre type violerait les dispositions de la loi. Si ce n'est pas le cas, je l'enverrai à la greffière pour qu'elle puisse la distribuer aux membres du Comité.

M. Peter Julian: Ce serait utile pour approfondir nos questions et pour savoir si vous avez obtenu ce que vous avez demandé. Combien de pages avez-vous dit que vous aviez reçues en fin de compte?

M. Mario Dion: Je ne sais pas.

Je sais que c'est plus de 5 000 pages. C'est tout ce que je sais.

M. Peter Julian: D'accord.

[English]

The Chair: That's the last question, Mr. Julian.

Mr. Dion, I believe you're going to send that form letter to the clerk.

Mr. Mario Dion: I will if I have legal advice to the effect that doing so would not violate the conflict of interest act provision, of course.

The Chair: We understand that. In your initial remarks, you said this, "Therefore, for the purpose of the office's ongoing examinations I respectfully ask, Mr. Chair, that you recommend that the House waive the privilege associated with witness testimony before the Standing Committee on Finance in the context of its study on WE Charity and the Canada student service grant."

I'm kind of in the position of "I don't know what I don't know" that you mentioned earlier. I know how that happens but I have a question for you myself. This is what I don't know.

It is public testimony. Can you not use that public testimony?

(1800)

Mr. Mario Dion: The advice that we've shared with the speaker is this is covered by parliamentary privilege and unless the privilege is waived, we cannot use these testimonials. We cannot use the transcripts of those who testify before your committee, as well as some other committees.

The Chair: Even when it's public? That's new to me. In any event, if that's what it is, that's what it is. For committee members, we'll have to think about this. Here's how we would waive the privilege on committee evidence. First, we would have to -- as a committee -- adopt a report to recommend to the House that it waive its privilege regarding the specific evidence. Second, we would have the report tabled in the House. Third, there would have to be a motion to concur in the report...somebody would move a motion to concur and if we concur it in the House then it would be done and available.

It's a little bit of a complicated process but that's how we would have to do it. The committee will have to give that some thought because I always thought public evidence was public evidence. I've certainly learned something new today

With that, we're at time. I want to sincerely thank you, Mr. Dion, for coming forward and providing what answers you could within your responsibilities to Parliament. On behalf of the committee, thank you for the work that you do as conflict of interest commissioner. Your advice is...maybe we don't always seek it often enough but when we seek it, we're a little wiser as MPs. I can tell you that.

Mr. Mario Dion: Thank you very much.

The Chair: For members of the committee, on Thursday the governor and deputy governor will appear before the committee between 3:30 and 5:00 p.m. I think everyone knows that the Bank of Canada tabled its report on monetary policy on October 28. That should be good information for them. Hopefully, following that, we can have a steering committee meeting.

With that, thank you all. Meeting adjourned.

GLOBAL PARTNERSHIP ON ARTIFICIAL INTELLIGENCE MONTREAL SUMMIT 2020

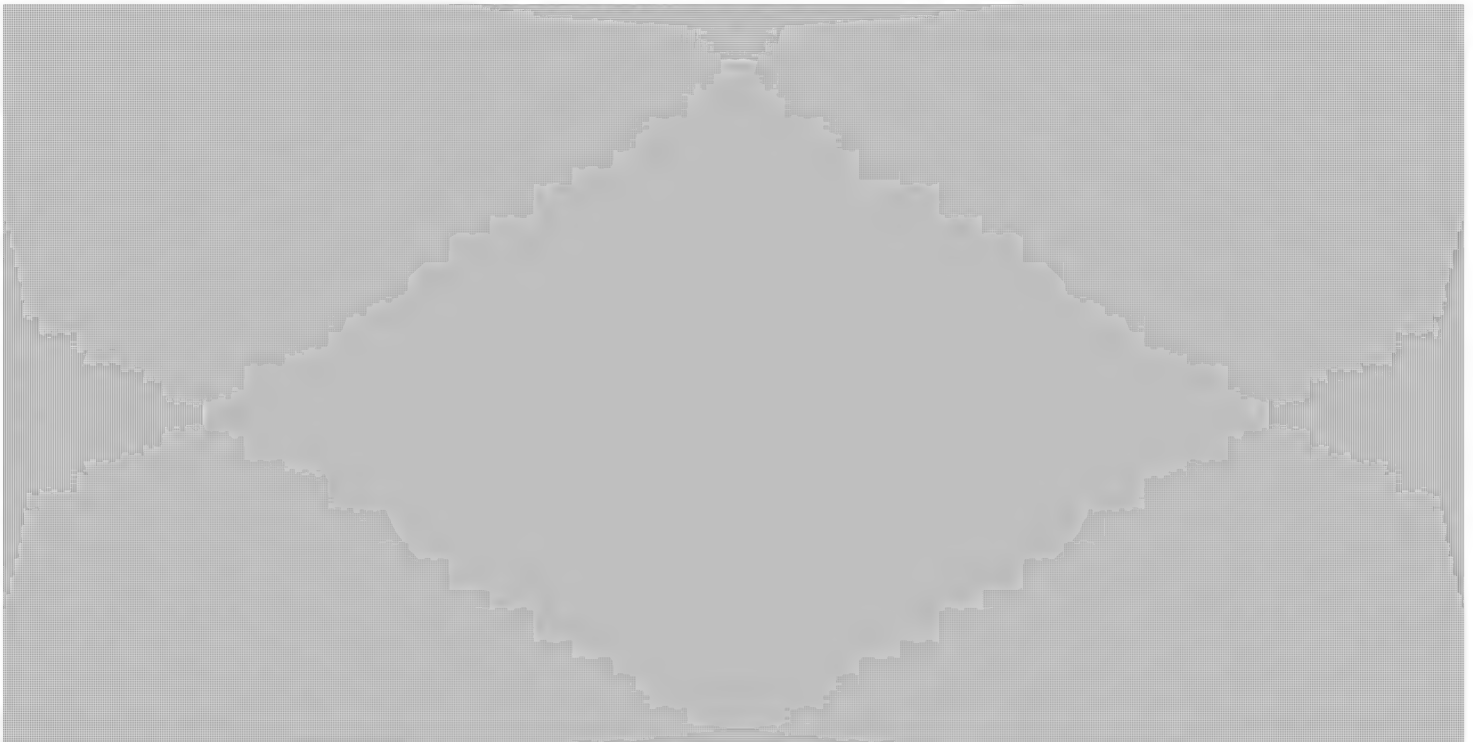
Friday, December 4, 2020 – 08:45-09:00

MEETING NOTE

CONTEXT

- You will be delivering prepared remarks at the first annual Global Partnership for Artificial Intelligence (GPAI) Summit, hosted virtually from Montreal. The virtual Summit is the first GPAI milestone since its establishment on June 15, 2020.
- French President Emmanuel Macron will also participate in the session via pre-recorded video message.
- The Summit will feature a range of virtual sessions and networking opportunities, including the inaugural GPAI Multistakeholder Expert Groups Plenary, where over 200 leading Artificial Intelligence (AI) experts will review and discuss the early findings of GPAI's Working Groups.
- As Canada will serve as Chair of the GPAI Council in 2021, the Canadian delegation, led by Minister Bains, will chair the inaugural meetings this fall.
- Your intervention will take place immediately prior to the first ministerial Council meeting and serves to underline Canada's commitment to rights-respecting governance of AI through the GPAI.

s.15(1)



MEETING MANAGEMENT

- 8:45AM Opening remarks from Minister Navdeep Bains, and introduction of Prime Minister Trudeau
- 8:47AM Prime Minister's Remarks and introduction of video from French President Emmanuel Macron**
- 8:52AM President Macron video presentation
- 8:58AM Thanks from Minister Bains
- 9:00AM Departure of Prime Minister Trudeau

PARTICIPANTS – GPAI COUNCIL MEETING

(15 founding countries + 2 observers)

- **Canada (Host): Navdeep Bains, Minister of Innovation, Science and Industry**
- Australia: [REDACTED] Industry, Science and Technology
- France: Cedric O, Secretary of State for Digital
- Germany: [REDACTED] Labour and Social Affairs, and [REDACTED] Economics and Energy
- India: [REDACTED] Law & Justice, Communications and Electronics & Information Technology
- Italy: Paola Pisano, Minister for Technological Innovation and Digitalization
- Japan: [REDACTED] Internal Affairs and Communications Minister for Economy, Trade and Industry
- Mexico: [REDACTED] Multilateral Affairs and Human Rights
- New Zealand: [REDACTED] Digital Economy and Communications
- Republic of Korea: [REDACTED] Science and ICT
- Singapore: S. Iswaran, Minister for Communications and Information
- Slovenia: Boštjan Koritnik, Minister of Public Administration
- United Kingdom: [REDACTED] Media and Data
- United States: [REDACTED] Technology Officer
- European Union: [REDACTED] Communication Networks, Content & Technology s.19(1)
- OECD (observer): [REDACTED] Science, Technology and Innovation
- UNESCO (observer): Gabriela Ramos, Assistant Director-General for the Social and Human Sciences

BACKGROUND

- First envisioned by Canada and France on the margins of the 2018 G7 Charlevoix Summit, the Global Partnership on Artificial Intelligence (GPAI) was launched on June 15, 2020, with 15 founding members.
- As a multistakeholder, expert-driven initiative with the core focus on bridging the gap between theory and practice on responsible AI, GPAI's value-add is to support cutting-edge research and applied AI projects through GPAI's Working Groups on Responsible AI, Data Governance, The Future of Work, and Innovation & Commercialization. GPAI's experts have also been investigating how AI can be leveraged to better respond to and recover from COVID-19. This work is supported by a dedicated secretariat at the Organisation for Economic Co-operation and Development (OECD) and two centres of expertise in Montreal and Paris.
- The Montreal GPAI Summit will include, among a range of virtual sessions and networking opportunities, the inaugural GPAI Multistakeholder Expert Groups Plenary, where over 200 leading AI experts will review and discuss the early findings of GPAI's Working Groups. The first meetings of the ministerial-level GPAI Council will be convened on the margins of the Summit to take stock of GPAI's progress and set its forward work plan.
- The International Centre of Expertise in Montreal for the Advancement of Artificial Intelligence (CEIMIA) is working with C2 International to organize the Multistakeholder Experts Group Plenary.
- Canada's Digital Charter lays the foundation for modernizing the rules that govern the digital landscape in Canada. It outlines 10 principles for what Canadians can expect from the Government, addressing important issues such as universal access and hate online. This includes the principle of "Data and Digital for Good", which aligns with the GPAI principles of responsible AI, grounded in human rights. The Digital Charter was informed by the national digital and data consultations and builds on your commitment to join the Christchurch Call to Action, first announced in Paris on May 15, 2020, alongside French President Emmanuel Macron and New Zealand Prime Minister Jacinda Ardern, among other world leaders.
- The Government of Canada recently introduced the *Digital Charter Implementation Act*. Among other things, it introduces the *Consumer Privacy Protection Act*, which includes provisions for algorithmic transparency. Algorithmic and bot transparency rules will require transparency about the use of AI systems that assist in decision-making, interact with individuals, or make predictions about them. The intent is that Canadians would know how organizations make decisions about them, supporting greater trust.

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MEMORANDUM FOR THE PRIME MINISTER

cc. Ian Shugart

WEEKLY INFORMATION NOTE

(Information Only)

SUMMARY

Attached is the Information Note for the week of December 4, 2020.

Approved by

Christyne Tremblay

Attachment

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COVID-19 Update (data as of December 3, 2020)

- **Cases** - There have been 396,270 cases of COVID-19 reported to date in Canada, including 12,407 deaths, 314,608 recovered cases and 69,255 active cases.
- **Trends** - From November 27 – December 3, 2020, an average of 6,168 cases were reported daily, an increase of 15.6 per cent from the previous seven-day period.
 - There are now 10,013 active cases across BC, and the number of patients in hospital has risen to another new high of 337, including 79 in critical care.
 - AB has reported more than 1,000 cases each day for nearly two weeks. There are 17,743 active cases in the province, compared with 14,795 in ON, a province with more than three times as many people.
 - After almost three weeks of increased restrictions, MB's five-day test positivity rate was down just slightly to 13.1 per cent; Winnipeg's rate was now 14.9 per cent. However, the province reported that the number of people in hospital with COVID-19 climbed to a record 357, including 52 in intensive care.
 - In the span of a week, QC beat its record for the highest single-day increase in COVID-19 cases multiple times. The current record, set on December 2, 2020, stands at 1,514. On December 3, 2020, 1,470 new cases were announced, hospitalizations declined slightly in that province to 737, but the number of people in the intensive care unit remained unchanged at 99.
- **Hospital capacity** – ICU and ventilator utilization rates have remained relatively stable throughout Canada since the last update. ON, MB, and SK all have ICU utilization rates of 80 per cent or above; the highest ventilator utilization rate is in SK, at 66.7 per cent.
 - Premier Jason Kenney says AB's largest hospitals are functioning at 91 per cent capacity. There are 97 people in ICU out of 504 in hospital, both record high numbers.
- **Indigenous communities** - There are 4,303 cumulative confirmed cases and 39 deaths associated with First Nations communities. There are currently 1,564 active cases on reserve, an increase of 12 per cent over last week. There are 75 active cases in Nunavut, a decrease of 50 per cent over last week.
- **Vaccines** – Health Canada (HC) is now actively reviewing vaccine candidate submissions from four companies: Pfizer, Moderna, AstraZeneca and Janssen.
 - The European Medicines Agency has announced it will convene a meeting December 29, 2020, to decide if there is enough data about the safety and efficacy of the Pfizer vaccine for it to be approved; it could make a decision on the Moderna vaccine as of January 12, 2020.
 - On December 3, 2020, the Wall Street Journal reported that Pfizer and BioNtech expects to ship half (50 million doses) of the vaccines it originally planned for this year because of supply-chain problems. The company has confirmed it is currently on track to roll out 1.3 billion vaccines in 2021 and the 50 million dose shortfall this year will be covered as production ramps up.

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- On November 25, 2020, the Auditor General of Ontario (AGO) released the first of two special reports on the province's COVID-19 Preparedness and Management. The first report explored three areas of Ontario's pandemic response:
 - On *Emergency management and pandemic response*, the report generally found that Ontario did not make sufficient progress in implementing past audit recommendations to update its emergency response plans, policies, and procedures, which affected the province's capacity to rapidly and effectively respond to the COVID-19 emergency.
 - On *Outbreak planning and decision-making*, the report found that the Ministry of Health does not have effective systems and procedures to identify, learn and respond to the COVID-19 pandemic on an organized and timely basis, and that the Chief Medical Officer of Health did not take a sufficient leadership role in the response to COVID-19.
 - On *Laboratory testing, case management and contact tracing*, the report found that the Ontario Ministry of Health did not have coordinated and effective systems and procedures to perform timely COVID-19 laboratory testing, case management and contact tracing.

Bill C-7: An Act to amend the Criminal Code (medical assistance in dying)

- On February 24, 2020, legislation was introduced by the Government in response to the Superior Court of Quebec's (SCQ) decision of September 11, 2019, which struck down the criteria of reasonable foreseeable natural death and "end of life" required by the federal and Québec laws regarding medical assistance in dying. On June 29, 2020, the SCQ granted the extension of the suspension of invalidity until December 18, 2020. This was the second extension request made by the Attorney General of Canada in this case.
- On October 21, 2020, Bill C-7 was reintroduced and has since been undergoing a pre-study by the Senate. PCO understands that some Senators may call for amendments, s.21(1)(b)
[REDACTED]
[REDACTED] It is therefore unlikely that the Government will be able to meet the December 18, 2020 deadline.

- [REDACTED] s.23

Bastarache Appearance

- On December 2, 2020, the Honourable Michel Bastarache appeared before the Standing Committee on Public Safety and National Security (SECU) to speak to his report on the claims process following the settlement of the Merlo/Davidson class actions, released on November 17, 2020. Mr. Bastarache's opening remarks focused on the systemic harassment and toxic culture within the Royal Canadian

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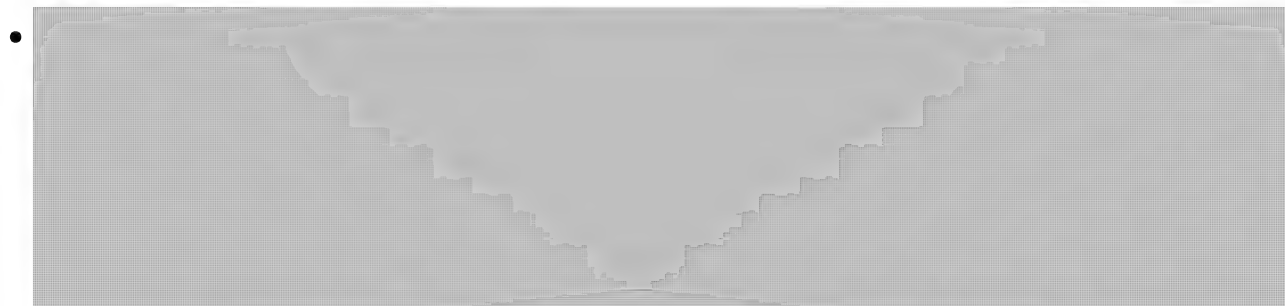
Confidence of the Queen's Privy Council

Mounted Police (RCMP), and the long-term impacts that claimants have reported (e.g., PTSD, lasting psychological impacts, lack of trust, among others). Mr. Bastarache emphasized that despite previous reports on these same issues and past responses by the RCMP, harassment has not been eliminated. Mr. Bastarache pointed to the necessity for RCMP reforms and that the report's 52 recommendations, if accepted and implemented, could contribute to a meaningful change of the RCMP's culture.

- SECU Members unanimously expressed concerns regarding the report's conclusions, and focused their questions on whether and how the issues identified could be resolved, and whether the RCMP is well placed to implement the report's recommendations. Members also noted links between the report and an ongoing study by SECU focusing on racism in policing. Lastly, members suggested the potential need for external intervention in the event that the RCMP doesn't demonstrate the ability to successfully implement reforms.
- In answering questions, Mr. Bastarache noted that he believes existing issues can be addressed, and was encouraged by Commissioner Lucki's acknowledgment of the report's conclusions. Mr. Bastarache noted that the RCMP's Vision150 has good objectives, however suggested that the Commissioner needs to demonstrate leadership by establishing a real plan for reforms and taking immediate and drastic actions to successfully deliver on this vision. In addition, Mr. Bastarache noted that the Government of Canada and the Minister of Public Safety need to support the Commissioner by demonstrating greater involvement in the matter, and should make necessary financial resources available to enable the RCMP to successfully implement initiatives. Throughout his responses, Mr. Bastarache consistently emphasized the importance of rebuilding members' trust and confidence in the RCMP, including through an appropriate grievance process. Emphasis was also placed on the importance of developing and implementing stronger recruitment and training practices (e.g., developing career plans for all members), and on increasing the RCMP's transparency and accountability (e.g., making RCMP Management Advisory Board reports public).

Future Aircrew Training Program

- The Future Aircrew Training Program was developed pursuant to Commitment 53 (*Acquire aircrew training systems*) in Canada's Defence Policy, *Strong, Secure, Engaged*, to replace a number of existing aircrew training programs.



s.21(1)(b)

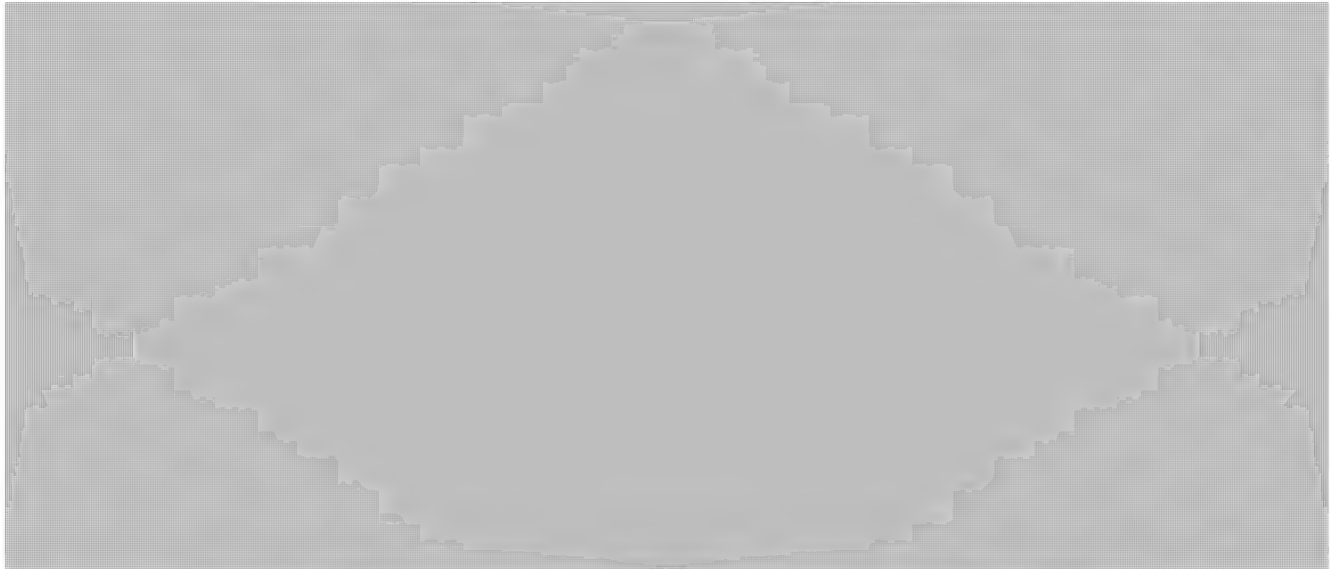
- [REDACTED]

Update on Atlantic Fisheries

- As of December 1, 2020, Fisheries and Oceans Canada (DFO) reports that Conservation & Protection officers are continuing inspections and enforcement activities in Eastern Nova Scotia (NS). [REDACTED]

- Negotiations with Indigenous communities for Moderate Livelihood fishery (MLF) are ongoing. On November 29, 2020, Chief Mike Sack of the Sipekne'katik publicly announced his views regarding positive progress on a draft MOU regarding the Sipekne'katik MLF, which included the capacity for the community to legally sell their catch. DFO indicates that the proposed MOU is an interim agreement that would allow the Sipekne'katik to continue with their MLF during the established commercial season in Lobster Fishing Area (LFA) 34 for the duration of the current commercial season (i.e., until May 2021). The scale of this fishery is anticipated to be small. The MOU would be accompanied by a "harvest" licence, intended to provide clarity to DFO fishery officers with respect to the scope and details of the authorized fishery for enforcement and monitoring purposes. Despite the considerable media coverage, [REDACTED]

- The Federal Special Representative's (FSR) engagement continues, [REDACTED] but open dialogue and engagement with NS industry representatives. This past week, the FSR attended the DFO-Canadian Independent Fish Harvesters Federation workshops and met with municipal leadership from 11 Southwestern NS municipalities. The need for more communication and transparency from DFO has been the primary concern highlighted.
- [REDACTED]



s.14

s.21(1)(b)

Keystone XL Indigenous Ownership

- Natural Law Energy (NLE), which represents five Indigenous communities in Alberta and Saskatchewan, is expected to acquire up to 12 per cent of TC Energy's Keystone XL pipeline in 2021.
- On November 17, 2020, NLE and TC Energy announced the formal completion of a definitive agreement, allowing NLE to make an equity investment of up to \$1 billion in the pipeline. The first phase of the transaction is expected to close in the third quarter of 2021, with the transaction contingent on NLE securing financing. The agreement also contemplates NLE pursuing an interest in future TC Energy energy liquids projects.
- TC Energy has publically communicated that it will look to apply the Indigenous ownership model to create opportunities for additional Indigenous communities along the Keystone XL corridor, both in Canada and the US. This initiative is in addition to over \$600 million in Indigenous supplier and employment opportunities expected to be created through the project's construction.

ESG Investment Trends

- To achieve net-zero by 2050, Environment, Social, and Governance (ESG) performance will need to be a foundational component of investor decision-making.
- On November 25, 2020, CEOs from eight of Canada's leading pension plan investment managers, representing approximately \$1.4 trillion in assets under management, called on companies and investors to provide consistent and complete ESG information.
- The signatories, including AIMCo, BCI, Caisse de dépôt et placement du Québec, CPP Investments, HOOPP, OMERS, Ontario Teachers' Pension Plan, and PSP

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Investments, agreed to adopt Sustainability Accounting Standards Board standards and the Task Force on Climate-related Financial Disclosures framework.

- The Government of Canada continues to advance its work on sustainable finance. The Fall Economic Statement committed \$7.3 million over three years for the Department of Finance Canada and Environment and Climate Change Canada to create a public-private Sustainable Finance Action Council aimed at developing a well-functioning sustainable finance market in Canada.

Greenhouse Gas Pollution Pricing Act Annual Report

- On December 4, the Greenhouse Gas Pollution Pricing Act (GGPPA) Annual Report to Parliament for 2019 was tabled in the House of Commons. This is the first annual report on the GGPPA. It covers the period from when the Act came into force in 2018 until the end of 2019. Tabling the report fulfils the Minister of Environment's obligation under section 270 of the GGPPA to report annually on the administration of the Act.
- The report provides a factual and somewhat technical overview of where and how the federal fuel charge and the federal output-based pricing system for large emitters are being applied. The report also provides an overview of how revenue is being returned to jurisdictions where the federal carbon pricing system is being applied. There is little in the report that is not already on the public record, but it could attract some attention among opponents of the federal carbon pricing system nonetheless.

Cyber Centre Update on the Threat to Canada's Electrical System

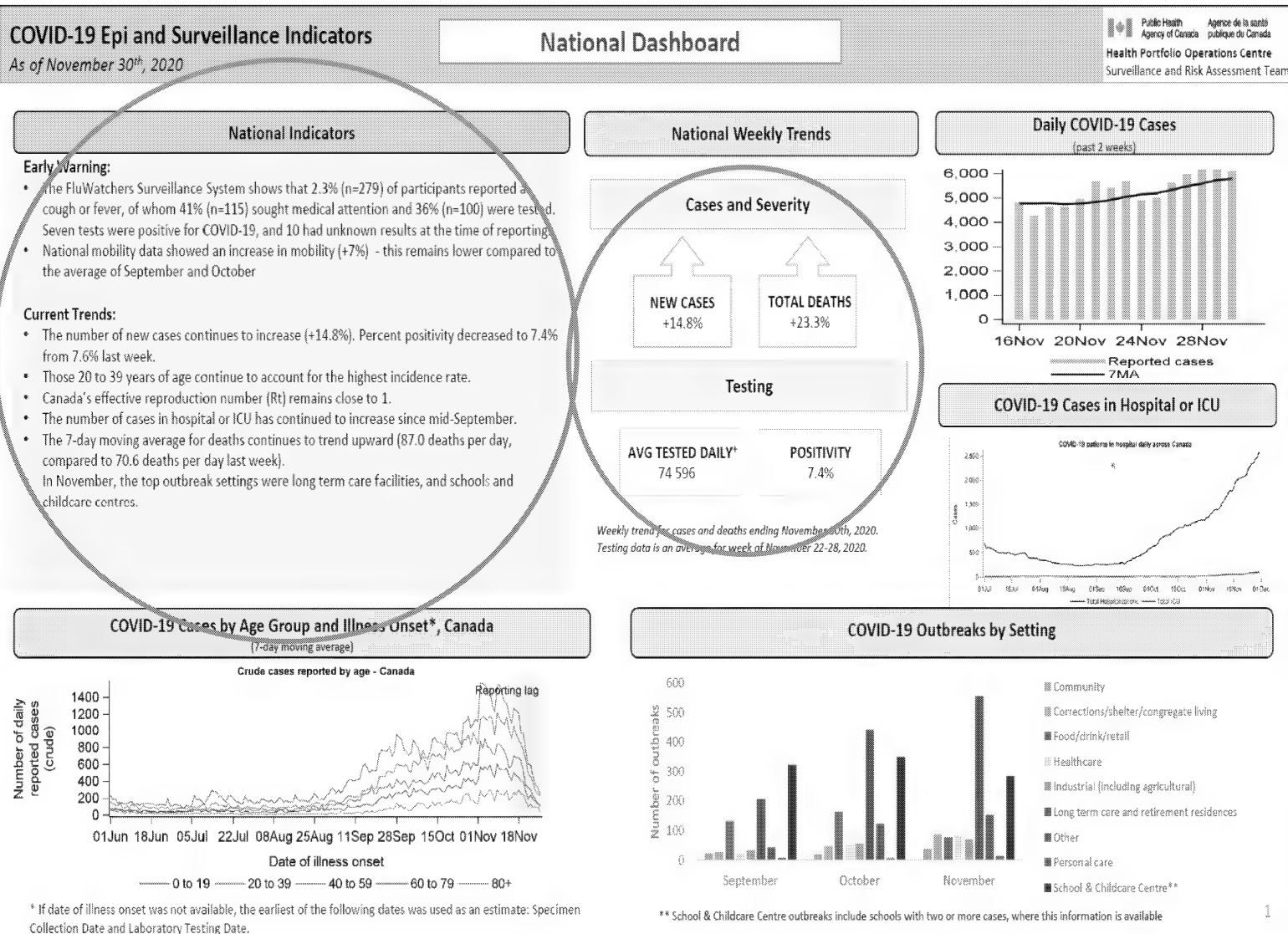
- On November 27, 2020, the Canadian Centre for Cyber Security, within the Communications Security Establishment, released the second assessment of the cyber threat to critical sectors of Canada's economy. Key take-aways of the evaluation of the cyber threat to Canada's electrical system include:
 - fraud and ransomware attempts by cybercriminals, as well as espionage and pre-positioning by state-sponsored actors will continue to be part of the cyber threat landscape;
 - cyber criminals will likely be capable of targeting industrial control systems in the electricity sector for extortion within the next three years;
 - state-sponsored cyber threat actors are very unlikely to intentionally seek to disrupt the Canadian electricity sector and cause major damage or loss of life in the absence of international hostilities;
 - the integrated US and Canadian electrical grids creates unique vulnerabilities and liabilities for Canada's electricity sector;
 - cyber threat actors will continue to target supply chains and managed service providers to obtain intellectual property and information and access electricity utilities information networks; and,
 - the transition to smart grid technology will increase the vulnerability of industrial control systems in the electrical sector to cyber threats.

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- The assessment is part of an ongoing effort by Canada's cyber security community to increase awareness of cyber threats amongst critical infrastructure managers and service providers in Canada. Taken together with separate ongoing outreach activities by Canada's cyber security community, the development of sector-specific assessments is an important element supporting the implementation of Canada's 2019-2024 National Cyber Security Action Plan.

Temporary Foreign Workers from Trinidad and Tobago

- Recent media attention has reported on temporary foreign workers (TFWs) from Trinidad and Tobago (T&T) whose work permits are expiring and who cannot return to their country because of COVID-19. Employment Services and Development Canada (ESDC) estimates that approximately 500 TFWs from T&T, mostly working on farms in Ontario, but some in Alberta, will see their work visas expire on December 15, 2020 – which is the typical end to the agriculture season.
- ESDC has confirmed that T&T has put in place border restrictions that include a triaging process for their nationals that requires authorization to re-enter the country, with prioritization given to essential workers. Flights into the country are approximately every second week and require all individuals be tested for COVID-19 prior to being authorized to return to the country, at their own expense, and that they assume costs of quarantining once they arrive home.
- ESDC is working with Immigration, Refugees, and Citizenship Canada (IRCC), the Public Health Agency of Canada (PHAC), Global Affairs Canada (GAC) and other Government departments to explore solutions. GAC is liaising with T&T to determine how to facilitate the return home of T&T nationals (e.g., whether Canada can help facilitate testing of TFWs prior to their return). The Government of Canada has also begun reaching out to employers and workers, and exploring possible solutions, which could include extending work permits and ensuring supports are in place for TFWs unable to return promptly to T&T. While the majority of the implicated TFWs are part of the Seasonal Agriculture Worker Program, which requires employers to continue to provide housing/accommodations for TFWs, housing supports are an ongoing challenge as accommodations provided by employers are not always suitable for winter months.



Annex A: Update on COVID-19 – Additional Information

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Testing

- As of December 3, 2020, PTs are testing an average of 46 per cent of their committed Safe Restart Agreement Targets.
- On December 3, 2020, a new rapid PCR test by LuminaUltra, a biological diagnostic testing company based in Fredericton, New Brunswick, received HC authorization. The test is a portable, point-of-need device built into a carrying case that enables results for up to 16 tests in under two hours per run.
- MB will be expanding rapid COVID-19 testing to teachers as part of a pilot project. The pilot project is set to begin when teachers return to school on January 18, 2021, and will take place in Winnipeg initially, with plans to expand to other regions forthcoming.
- Wolfville, NS is making use of its wastewater testing after tracers of the virus were detected in the town's wastewater. A rapid pop-up testing site opened in Wolfville for asymptomatic people over the age of 16 who want to be tested.
- The ON government announced on November 26, 2020, that it was introducing voluntary testing for asymptomatic students, faculty and staff at schools in regions with high infection rates. The expanded testing will be provided for four weeks in schools in Toronto, Peel, York and Ottawa. A pilot at Thorncliffe Park Public School in Toronto led to the discovery of 19 asymptomatic cases. This represents a 4 per cent infection rate in the school, compared to 16 per cent in the community.
- Two major Canadian airlines are involved in piloting rapid testing: Air Canada customers will be able to purchase a COVID-19 test at participating Shoppers Drug Mart locations in ON, AB, and BC as of December 7, 2020, with results provided within 24 to 48 hours. Westjet and the Vancouver Airport Authority are sponsoring a voluntary clinical research study by the University of British Columbia and Providence Health Care, which is investigating a method of rapid-testing for COVID-19 for departing passengers prior to security screening at YVR.

COVID Alert

- As of Wednesday, December 2, there have been **5,608,474** downloads (3,240,287 iPhone and 2,368,187 Android) of COVID Alert and **7,258** OTKs have been claimed in the app.

CSIS Report on Disinformation – China, Russia and Iran

- A Canadian Security Intelligence Services (CSIS) report made public this week under Access to Information details intentional disinformation efforts by China, Russia, and Iran to discredit western governments and promote their own influence with respect to COVID-19. The report provides evidence that China has withheld information on its own restrictions and epidemiology; that Russia has blamed the West for the spread of the virus; and that Iran similarly has blamed the United States' (US) sanctions for the spread of the virus within its own borders.

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- CSIS intends to respond to the Global News article that published the information, indicating that it is closely monitoring disinformation, a form of foreign interference, as it can have serious consequences including threats to the safety and security of Canadians, erosion of trust in our democratic institutions, and confusion about government policies and notices including information on the COVID-19 pandemic.

United States

- On December 1, 2020, a bipartisan group of US senators and members of the House of Representatives announced a \$908 billion COVID-19 relief bill that would fund measures through to April 1, 2021, including \$228 billion in additional pay protection funds for hotels, restaurants, other small businesses.
- On December 2, 2020, the Centre for Disease Control announced it was shortening the recommended length of quarantine after exposure to someone who is positive for COVID-19. The new guidelines will allow people who have come in contact to someone infected with the virus to resume normal activity after 10 days, or seven days if they receive a negative test result.
- On December 2, 2020, CVS Health Corp. confirmed that it will administer Eil Lilly's COVID-19 treatment in patients' homes and in long-term care facilities through a program with the US government's Operation Warp Speed. The process requires an hour-long infusion, usually at a medical facility.
- Hospitalizations continued to increase in several US states this week:
 - As of November 30, 2020, Pennsylvania reported 4,405 hospitalizations, surpassing the state's highest numbers in the spring.
 - In Florida, hospitalizations increased by 30 per cent in the past two weeks.
 - **Maryland** reported a six-month high, with **1,527** patients in hospital.
 - **West Virginia** reported a record high of **622** COVID-19 patients hospitalized.

International Updates

- According to the United Nations, the COVID-19 pandemic has fueled a 40 per cent increase in the number of people needing humanitarian assistance around the globe. The organization appealed for roughly \$35 billion to help many of those expected to be in need next year.
- UK regions under the country's toughest restrictions will be invited to apply for funds to run mass testing programs for asymptomatic people in hopes of driving down the virus and moving to lesser restrictions.
- Australia has exited its first recession in almost three decades, with the economy growing by 3.3 per cent in Q3 2020. A household spending boom drove the recovery as the easing of social distancing restrictions prompted a 7.9 per cent jump in spending over Q3.

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MEMORANDUM FOR THE PRIME MINISTER

cc. Ian Shugart

WEEKLY INFORMATION NOTE

(Information Only)

SUMMARY

Attached is the Information Note for the week of December 18, 2020.

Approved by

Christyne Tremblay

Attachment

Drolet/Dagenais/Boilard

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COVID Update

- **Cases** - As of December 17, 2020, there have been **488,638** cases of COVID-19 reported to date in Canada, including **13,916** deaths, **398,412** recovered cases and **76,310** active cases.
- **Trends** – Over the past 14 days active cases have grown 10 per cent nationally.
 - Québec (QC) (35 per cent) and ON (18 per cent) have overtaken Alberta (AB) (12 per cent) in active case growth. AB continues to have the highest active cases per capita, at 4.5 cases per 1,000.
 - This is followed closely by Manitoba (MB) at 4.3 active cases per 1,000; however, MB continues to see a 36 per cent reduction in active cases on a 14-day basis.
 - MB continues to see the greatest growth rate in deaths, at 94 per cent. This is driven by an 800 per cent increase in long-term care deaths over the last two weeks.
- **Hospital capacity** – Saskatchewan's (SK) Intensive Care Unit (ICU) utilization rate is the highest in the country at 83.3 per cent. SK also has the highest ventilator utilization rate at 83.3 per cent. This is now 30 per cent higher than the province with the next highest rate (MB at 53.0 per cent). Hospitals across ON have been ordered to brace for a spike in COVID-19 patients.
- **Indigenous communities** – As of December 17, 2020, there were 6,756 cumulative confirmed cases and 64 deaths associated with First Nations communities. There are currently 2,604 active cases on reserve, an increase of 66 per cent over the past two weeks.
- **Requests for Assistance (RFA)** – RFAs have been received from ON and QC to extend support for Windsor-Essex (temporary foreign workers), ON long-term care facilities and QC long-term care. The Royal Canadian Air Force (RCAF) will be providing general support and medical support to Shamattawa First Nation for 30 days, until January 10, 2021. Canadian Armed Forces (CAF) support for Hatcher Lake First Nation has also been extended to January 31, 2021.
- **Vaccines** – As of December 16, 2020, with the exception of New Brunswick (NB), all provinces have begun administering the first round of vaccinations. The first round will be carried out in NB on December 19 and 20. The National Operations Centre (NOC) and Public Health Agency of Canada (PHAC) are working with provinces to begin reporting on the number of people vaccinated on a regular basis.
 - Provinces and Territories (PTs) are taking different approaches to managing their initial allocation of Pfizer vaccine doses, with some holding back the second doses for everyone they are vaccinating and some leaning forward to

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vaccinate more individuals now in anticipation of using January shipments to provide those individuals with their second dose.

- On December 17, 2020, the European Union (EU) announced that it plans to start vaccinations across its 27 member states as of December 27, 2020, pending EU regulator approval of the Pfizer-BioNTech vaccine. The European Medicines Agency (EMA) is due to meet on December 21, 2020, to evaluate the vaccine.
- Additional information on COVID-19 can be found in **Annex A**.
- A snapshot of COVID Border Measure in 2020 can be found in **Annex B**.

Update on Opioid Overdose Data

- On December 15, 2020, PHAC, on behalf of the Special Advisory Committee on the Epidemic of Opioid Overdoses, published updated quarterly data on opioid overdoses. This is the first national level data release that demonstrates the severe and worsening impact that COVID-19 has had on the overdose crisis, particularly related to an increasingly toxic drug supply as a result of supply chain disruptions.
- The Special Advisory Committee is an FPT body, under the Public Health Network Council, co-chaired by Dr. Theresa Tam, Canada's Chief Public Health Officer and Jennifer Russell, New Brunswick's Chief Medical Health Officer. The Committee brings together Chief Public Health Officers and experts to advance discussions on the opioid crisis.
- The data shows that 1,628 people died in Canada between April and June 2020 of an apparent opioid toxicity overdose, which represents a 58 per cent increase compared to the previous quarter and 54 per cent increase from the same time period in 2019. The number of opioid toxicity deaths that occurred between April and June 2020 represents the highest number ever recorded in a single quarter since national level surveillance began in 2016. The release notes that 86 per cent of opioid toxicity deaths have between January and June 2020 occurred in British Columbia (BC), AB or ON.
- Included in the release is an overview of federal actions on opioids, highlighting the recent announcement in the Fall Economic Statement of \$66 million for community based organizations responding to substance use issues, including to help provide frontline services in a COVID-19 context. Responsive media lines have been developed should there be media questions about the data released.

Data on Cannabis for Medical Purposes

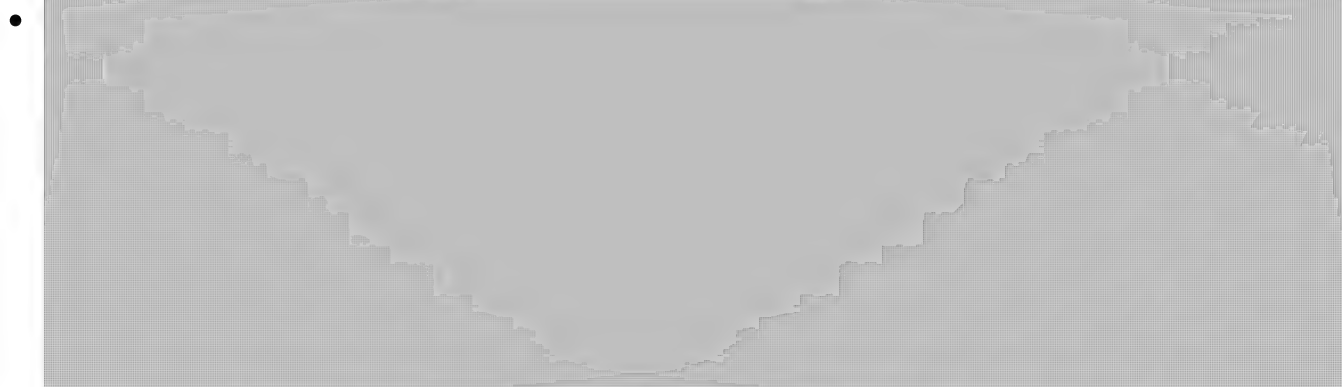
- On December 17, 2020, Health Canada released data that, for the first time, showed the number of doctors that have authorized patients to access over 25 grams of medical cannabis per day and 100 grams of medical cannabis per day by

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jurisdiction. On average, most patients are authorized for approximately 2 grams per day. HC has seen a progressive increase in the average daily amount being authorized by some health care practitioners. In March 2020, 47 health care practitioners authorized amounts equal to or above 100 grams per day, compared to 27 in October 2018. 94 per cent of health care practitioners having authorized amounts equal to or above 100 grams per day were located in BC and ON.

s.21(1)(b)



Canada Summer Jobs 2021

- On December 16, 2020, the Minister of Employment Workforce Development, Disability and Inclusion, announced that the Canada Summer Jobs (CSJ) program for 2021-22 will launch on December 21, 2020. As of CSJ launch, prospective employers would be able to submit online applications seeking funding for placements. In late January 2021, after the application process closes, Employment and Social Development Canada (ESDC) would undertake its assessment and work with Members of Parliament in order to begin notifying employers on April 13, 2021. This timing would allow placements to begin as early as April 26, 2021, and end as late as February 26, 2022.
- Consistent with the 2020 *Speech from the Throne* and decisions contained in the *Fall Economic Statement* (FES) to increase paid opportunities for Canadian youth in 2021, the 2021-22 CSJ program will offer 120,000 placements, 40,000 more than 2020-21; and the ability to offer flexibilities offered to employers this fiscal year due to COVID-19. These flexibilities would extend the program to February 2022, allow part-time employment and provide up to a 100 per cent wage subsidy to private and public sector employers. While the FES provided flexibility to provide up to a 100 per cent wage subsidy for all employers, the Minister is expected to reduce it to 75 per cent for private and public sector employers, to align with other supports.
- As of December 15, 2020, the ESDC reported that approximately 58,000 of the 80,000 CSJ 2020-21 placements have been filled. While there are still positions available on Job Bank, the last day for applications is December 23, 2020, and without a significant increase over the next week, CSJ 2020-21 could deliver less opportunities than last year, which was approximately 70,000.

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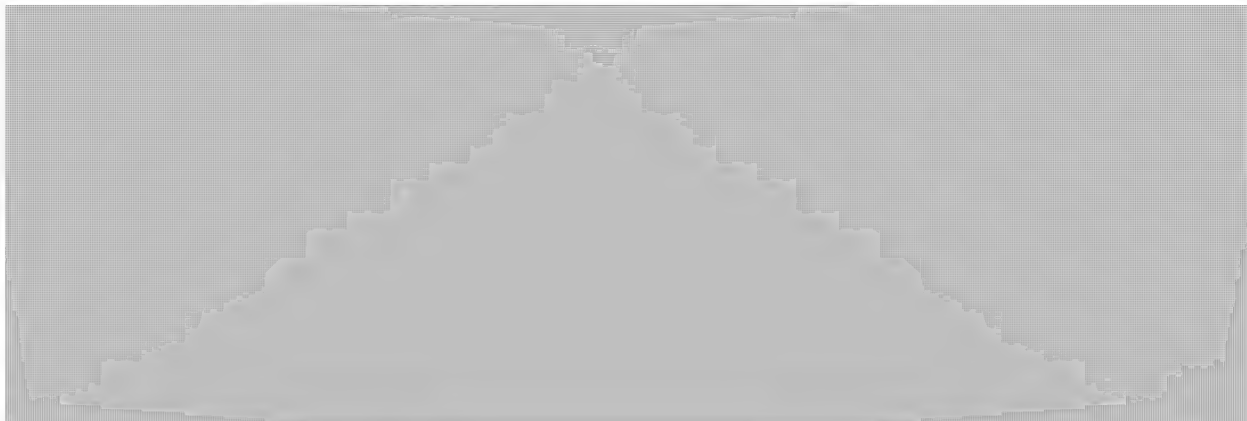
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Update on Atlantic Fisheries

- Overall tensions amongst Atlantic fisheries appear low as moderate livelihood fisheries are winding down in some areas and in others Indigenous fishers are refraining to engage in fishing activities as to avoid contact with commercial fishers.
- The Federal Special Representative (FSR) continues to meet with industry. DFO, together with Justice Canada and Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), organized a series of workshops which aimed to socialize the government's reconciliation agenda and provide context for how current nation-to-nation fisheries negotiations fit within that framework. These 2-hour workshops held with the Federation of In-shore Fish Harvesters are also useful in soliciting views from non-Indigenous stakeholders on ways forward in defining moderate livelihoods. Based on the feedback, the FSR has highlighted to federal officials the importance of concrete next steps towards establishing an ongoing communication approach with industry, particularly before the fishing season closes in the spring.

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s.14

s.21(1)(c)

- Negotiations on moderate livelihood pilot agreements are ongoing.



[REDACTED] The
Sipekne'katik negotiations have stalled after much publicized reactions from Chief
Sack signalling their decision to halt negotiations with DFO officials, quoting a
disconnect between the Minister of Fisheries, Oceans and the Canadian Coast
Guard and the negotiation team. Officials had been awaiting formal comments from
the Sipekne'katik on the proposed draft Memorandum of Understanding.

**United States Launches *Canada-United States-Mexico Agreement* Dispute
Settlement over Canada's Implementation of the Dairy Tariff Rate Quota**

- On December 9, 2020, United States Trade Representative (USTR) Robert Lighthizer notified the Minister of Small Business, Export Promotion and International Trade that the U.S. was launching a *Canada-United States-Mexico Agreement* (CUSMA) dispute settlement over Canada's dairy tariff rate quota (TRQ) administration policies. s.15(1)

- [REDACTED]
- U.S. dairy producers have pressured USTR to act on the TRQ issue and others since June, and they were joined in August by more than 100 bipartisan members of the House and 25 senators who wrote to Mr. Lighthizer asking him to "ensure compliance" with the new deal.

Dispute Settlement process and timelines for perishable goods

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- The CUSMA provides for an expedited dispute settlement timeline for perishable goods. The parties will enter into consultations within 15 days of a request being made, (i.e., December 24, 2020) unless otherwise agreed. If the matter is not resolved within 30 days of the request for consultations (i.e. January 8, 2021), the complaining party may request the establishment of a dispute settlement panel. The parties then have 15 days to agree on a chair and, subsequent to that selection, a further 15 days to appoint panelists.
- Under the CUSMA, a dispute settlement process involving perishable goods is expected to take approximately eight months to conclude following the establishment of a panel.
- Global Affairs Canada (GAC) will work with Agriculture and Agri-Foods Canada (AAFC) given their mandate for the supply management system and their close relationship with relevant stakeholders. GAC is responsible for allocation policy for dairy TRQs per the Minister of Small Business, Export Promotion and International Trade's delegated legal authorities under the *Export and Import Permits Act*.

s.14

s.15(1)

s.21(1)(b)

Engagement with Provinces and Territories

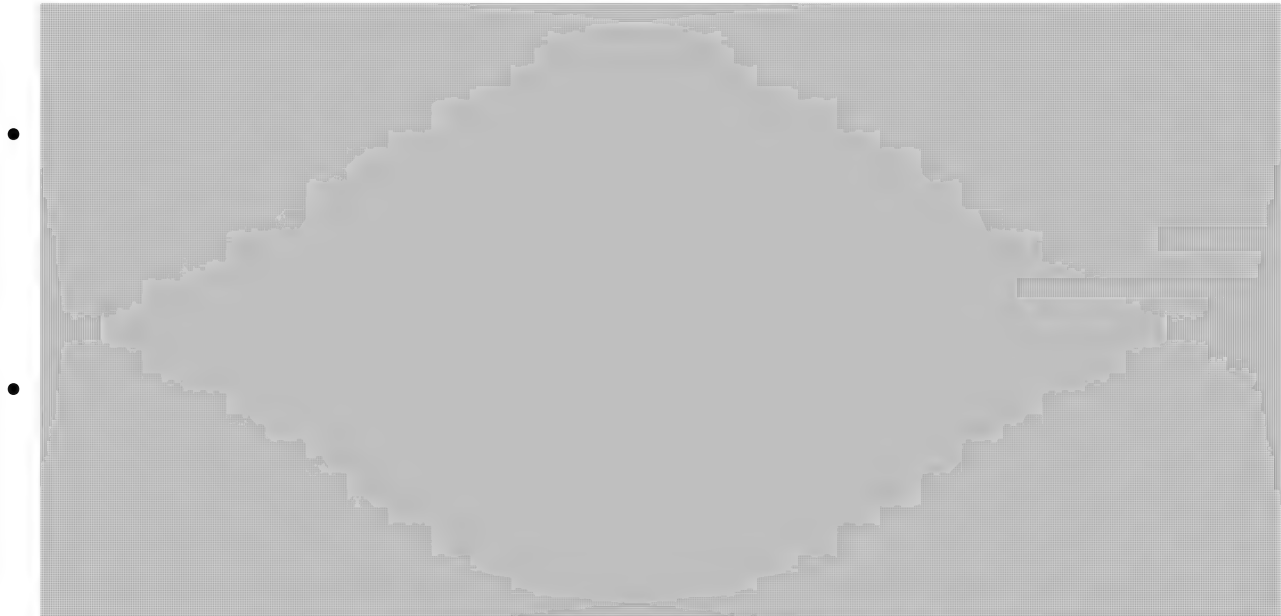
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- AAFC will leverage its FPT agriculture group which meets monthly or on an as-needed basis.

Engagement with Stakeholders

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- GAC and AAFC will consult with stakeholders in the dairy sector to keep them informed of developments in the case and to solicit information if necessary.

Softwood Lumber Duties and Cooperation with Nova Scotia

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s.14

s.15(1)

s.23

China's COVID-19 Import Measures Exports of Frozen/Chilled Meats and Fish and Seafood

- On November 18, 2020, China notified the Canadian Food Inspection Agency (CFIA) that new import requirements will begin on January 1, 2021 for exports of frozen/chilled fish and seafood products. The requirements are related to China's concerns of COVID-19 and food safety of cold chain products, and will apply to all countries except the U.S.

s.15(1)

Earlier in 2020, China imposed similar measures earlier in on exports of frozen/chilled meats that has resulted in nine Canadian meat establishments not exporting: two beef and seven pork facilities.

- Canada, as well as the World Health Organization (WHO), believe that China's requirements are not consistent with scientific evidence as there is no proof that COVID-19 is spread through food or packaging. The CFIA is engaged with the U.S., Australia, New Zealand, the United Kingdom (UK) and the EU, as well as key European fish/seafood exporting nations (Norway, Denmark, Netherlands, Iceland and UK). All members agree it is difficult to meet China's requirements on fish on short notice, and are engaging with China bilaterally to either request a delay in implementation date or changes to China's requirements. There has been no success so far and China continues to communicate these new requirements are mandatory.





s.15(1)
s.21(1)(c)

Response to Governor in Council Petition concerning CRTC payphone rate Decision

- On March 17, 2020, AFX Communications, a Québec-based payphone company, petitioned the Governor in Council concerning a December 2019, decision made by the Canadian Radio-Television and Telecommunications Commission (CRTC) over a dispute between AFX and Bell Canada for compensation for toll-free calls. At issue was the rate of reimbursement by Bell when a caller makes a toll-free call from an AFX payphone over the Bell network. A response to AFX's petition is due by December 21, 2020.
- In 2013, the CRTC increased the default rate to payphone operators for toll-free calls from \$0.25 to \$0.80 per call, over Pay telephone Access Line (PAL). In 2018, as demand for PALs decreased, Bell phased them out and substituted lower-cost regular business lines. Bell also stopped paying AFX any toll-free compensation. AFX filed an application asking the CRTC to direct Bell to re-implement toll-free compensation. On December 20, 2019, the CRTC issued *Telecom Decision 2019-433*, which determined that since the \$0.80 rate was premised on more costly PALs, the \$0.25 rate was appropriate. The CRTC directed Bell to compensate at this rate. AFX subsequently filed their March 2020 petition arguing it should be \$0.80 per call based on what they argue is the "value" of the service they provide, but without any underlying evidence.
- Innovation, Science and Economic Development Canada (ISED) conducted public consultations as well as consultations with provinces and territories (PTs), as required by the *Telecommunications Act*, and there was no broad stakeholder interest. ISED has assessed that the petition is of little merit and no intervention is recommended. Given the narrow scope of the issue and the rapidly approaching deadline, ISED has indicated the Minister of Industry, Science and Economic Development will issue a response by letter directly to the petitioner outlining the consultation processes followed and that the government will not be intervening to revise the CRTC decision. No material impact is anticipated for consumers.

Public Release of Discussion Paper on the Creation of the Canada Water Agency

- On December 17, 2020, Environment and Climate Change Canada (ECCC) publicly released a Discussion Paper on the creation of the Canada Water Agency

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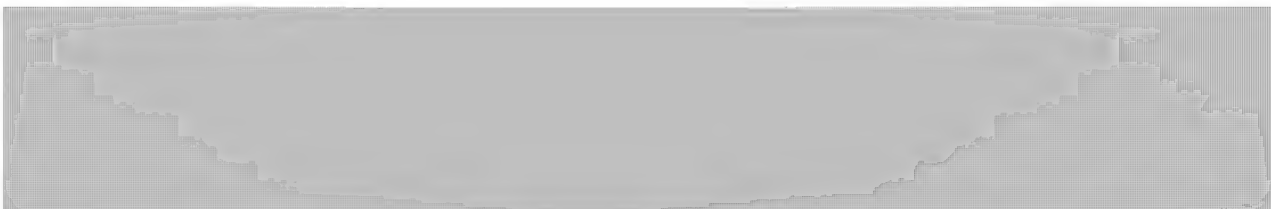
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(CWA). In 2019, the Government of Canada committed to establishing the CWA to “work together with the provinces, territories, Indigenous communities, local authorities, scientists and others to find the best ways to keep our water safe, clean and well-managed.” The Discussion Paper presents key issues for consideration in the Government of Canada's approach to creating a CWA. The results of this engagement process will inform the Government's next steps in implementing the commitment to create a CWA.

s.14

s.21(1)(a)

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- Feedback can be submitted through the website “PlaceSpeak” until March 1, 2021. A low key reactive communications approach is planned for the release.

s.69(1)(g)re: (a)



Cullen Commission Interim Report

- On 10 December 2020, the Government of British Columbia released the interim report of the Commission of Inquiry into Money Laundering in British Columbia (Cullen Inquiry). The report provides an update on the Commission's activities to date and sets out its intentions for completing the Commission's work. The report is critical of the Government of Canada's initial engagement with respect to the pace and scope of information disclosure, with specific examples provided in relation to the Financial Transactions and Reports Analysis Centre of Canada (FINTRAC) and the Public Prosecution Service of Canada (PPSC) in particular. This criticism is tempered with an acknowledgement that the situation has improved and that the Government of Canada is now collaborating adequately with the Commission. Commissioner Cullen has set out in detail the specific type of evidence and submissions he now expects to receive from the Government of Canada, particularly in relation to the Department of Finance, FINTRAC, and the Royal Canadian Mounted Police (RCMP).
- Going forward, the Government of Canada will look to effectively respond to the concerns raised the interim report by: ensuring compliance with Commission requests as quickly as possible; minimizing redactions and refusals to provide information; and advising the Commission proactively of specific evidence in its possession that the Commissioner has now expressed interest in receiving.
- Commissioner Cullen also opined that while he is constitutionally unable to make findings and recommendations in relation to federal institutions, he can examine the nature and effectiveness of the federal anti-money laundering regime. The

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Commission will be inviting submissions on this constitutional issue at the conclusion of the hearings. The Interim Report of the Cullen Inquiry provides the Government of Canada with a helpful roadmap forward for its participation at the Inquiry. The Commission is required to submit a final report by May 2021.

COVID-19 Epi and Surveillance Indicators

As of December 7th, 2020

National Dashboard

Public Health
Agence de santé
Health Portfolio Operations Centre
Surveillance Team

National Indicators

Early Warning:

- The FluWatchers Surveillance System shows that 2.3% (n=276) of participants reported a cough or fever, of whom 34% (n=95) sought medical attention and 32% (n=89) were tested. Seven tests were positive for COVID-19, and 14 had unknown results at the time of reporting.
- National mobility data showed a decrease in mobility (-5%); this remains lower compared to the average of September and October.

Current Trends:

- The number of new cases continues to increase (+10.7%). Percent positivity increased to 8.0% from 7.4% last week.
- Those 20 to 39 years of age continue to account for the highest number of cases.
- Canada's effective reproduction number (Rt) remains close to 1.
- The number of cases in hospital or ICU has continued to increase since mid-September.
- The 7-day moving average for deaths continues to trend upward (92.4 deaths per day, compared to 87.0 deaths per day last week).
- In November, the top outbreak settings were long term care facilities, and schools and childcare centres. Long term care facilities continue to be the top outbreak setting so far in December.

National Weekly Trends

Cases and Severity*

NEW CASES
+10.7%

TOTAL DEATHS
+6.2%

Testing**

AVG TESTED DAILY
80 109

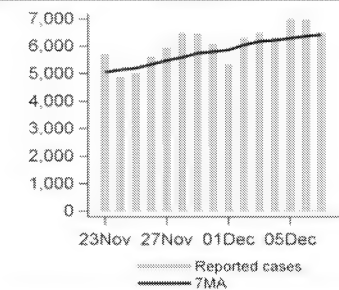
POSITIVITY
8.0%

* Weekly trend for cases and deaths ending December 7, 2020.

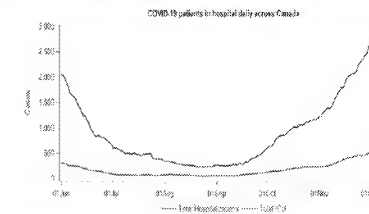
** Testing data is an average for week of November 29-December 5, 2020.

Daily COVID-19 Cases

(past 2 weeks)

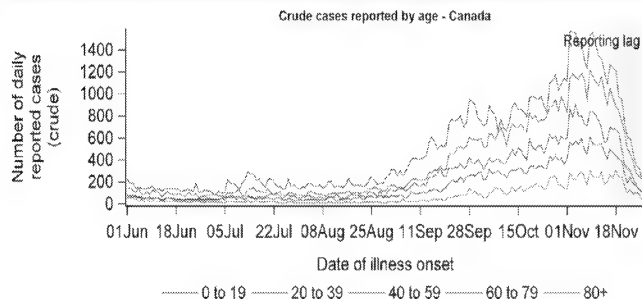


COVID-19 Cases in Hospital or ICU



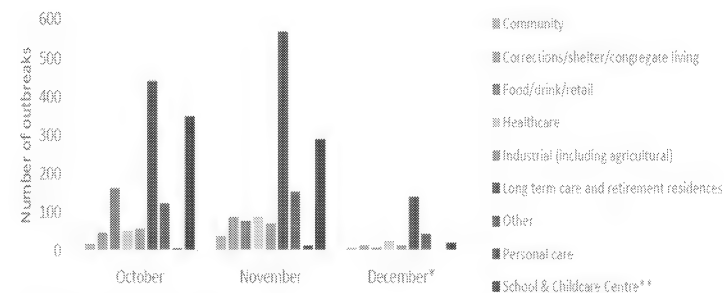
COVID-19 Cases by Age Group and Illness Onset^A, Canada

(7-day moving average)



^A If date of illness onset was not available, the earliest of the following dates was used as an estimate: Specimen Collection Date and Laboratory Testing Date.

COVID-19 Outbreaks by Setting



*The month of December is incomplete

** School & Childcare Centre outbreaks include schools with two or more cases, where this information is available

Annex A: Update on COVID-19 – Additional Information

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Edmonton and Calgary

- The AB government is sending COVID-19 teams into the 11 hardest-hit neighbourhoods in Edmonton and Calgary to offer masks, hand sanitizer and more information. The province will also set aside self-isolation hotels, and people will be eligible for a temporary emergency payments of \$625 once they have completed their self-isolation at one of the designated hotels.

Testing

- The U.S. FDA has authorized its first over-the-counter full at-home diagnostic test for COVID-19. The Ellume COVID-19 Home Test is an antigen test that runs a liquid sample over a surface with reactive molecules. Results are available in 20 minutes, and the test is reportedly 96 per cent accurate for individuals with symptoms and 91 per cent accurate for individuals without symptoms. HC expects to receive a submission for regulatory approval by the end of December.
- CBC news reported a backlog of over 40,000 tests in ON this week. The province is actively working to address the risk of ongoing backlogs in its testing system. Currently, 76 per cent of samples are turned around within 48 hours. The province plans to expand capacity to 100,000 tests per day by the first week in January, and will be deploying the Panbio test to low-risk long-term care settings to free up additional PCR capacity.
- ON will also no longer provide free COVID-19 tests for those looking to be cleared for international travel. The government says the decision was made in order to "ensure taxpayer dollars are appropriately allocated to key priorities and to preserve capacity within the provincially funded COVID-19 testing network." The cost of a COVID-19 test at Shoppers Drug Mart for international travellers is now \$199, plus tax. The change to the province's testing guidelines came into effect on December 11, 2020.
- AB will be deploying its rapid antigen tests in long-term care facilities, rural hospitals and urban homeless shelters.

COVID Alert

- As of December 16, 2020, there have been **5,738,220** downloads of COVID Alert and **9,315** OTKs have been claimed in the app.

United States

- **California** recorded more than 30,000 new cases for the fourth straight day on December 14, 2020, with hospitalizations stretching ICU capacity. California has seen one of the highest numbers of hospitalizations, while the Governor Gavin Newsom said December 15, 2020, that the state is also seeing a surge in the number of average daily deaths, which has quadrupled from a month ago. As a

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result, the state is distributing 5,000 body bags mostly to the hard-hit Los Angeles and San Diego areas and has 60 refrigerated trailers standing by as makeshift morgues.

- **New York City** Mayor Bill de Blasio said December 14, 2020, that there remains a possibility of a full shutdown in the city since cases continue to increase.

International Updates

- A new strain of COVID-19 that has been spreading in southern England has mutations to the “spike” protein used to infect human cells. However, it is not yet clear whether these are making the virus more infectious. To date 1,108 people have been infected. British scientists have said that other than the possibility the new strain is more infectious, it is not a serious concern and will likely not affect vaccine effectiveness. Study of the new strain is going.
- On December 15, the WHO reported new records in terms of both weekly incidence and mortality. Weekly incidence was 3.4 per cent higher than the previous week, the second consecutive week-to-week increase. Mortality increased for the eighth consecutive week, although only a moderate 0.8 per cent increase over the previous week.
- After passing its second peak, France ended its “lockdown” December 15, 2020, and relaxed some social distancing measures. Rather than a formal lockdown period, France is instituting an 8pm curfew that aims to limit transmission at gatherings at times when people may be less vigilant about implementing appropriate protections. The French government will permit individuals and families to travel on December 24, 2020, but public gatherings will be prohibited. While the restrictions will be eased slightly for Christmas Eve, France intends to enforce the curfew on New Year's Eve.
- Sweden and parts of the UK are imposing lockdowns in advance of the holidays as cases continue to surge. Cases are also surging in South Korea, where the government is implementing social distancing rules in an effort to avoid imposing the country's first lockdown.

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Annex B: COVID Border Measure in 2020

- In March 2020, the Government of Canada implemented a number of border restriction measures to reduce the importation of COVID-19. The three Orders in Council (OICs) under the *Quarantine Act* prohibit the entry of foreign nationals into Canada from the U.S. and any country other than the U.S., and requires a mandatory 14-day isolation period upon entry. These measures have been successful in reducing the number of inbound travellers to Canada, with overall volumes 83 per cent lower in 2020 than in 2019.
- There are exemptions on the prohibition of entry into Canada for individuals whose entry is deemed essential (e.g., commercial truck drivers), as well as from the requirement to self-isolate for 14-days. In addition, under the non-U.S. OIC, the Minister of Foreign Affairs, the Minister of Citizenship and Immigration, and the Minister of Public Safety and Emergency Preparedness may each apply exemptions for individuals whose entry into Canada is deemed in the national interest. Since March, these exemptions have been applied to allow entry for approximately 1,700 individuals, including for example business executives (e.g., shipbuilding industry, auto sector) and professional athletes (e.g., NHL, MLS).
- Since coming into force in March 2020, the three OICs have been renewed and amended multiple times, including to allow entry to support family reunification (immediate and extended family members of Canadian citizens or permanent residents) for compassionate reasons, and international students who attend a designated learning institution.
- The following provides a summary of overall traveller volumes and key metrics regarding COVID-19 border management measures in 2020. Data captures the March 21, 2020, to December 9, 2020 period, unless otherwise noted.
 - **Overall traveller volumes** are down 83 per cent across all modes compared to this time last year. Volumes across the Canada-U.S. land border have decreased by 94 per cent compared to last year, from 40.3 million travellers in 2019 to 2.5 million in 2020 (excluding truck drivers). Despite these significant decreases, travel volumes have recently increased, when compared to the spring. In the last week, travel has increased 37 per cent for U.S. air travel; 29 per cent for international air travel; and, 5 per cent for road travel.
 - Pursuant to the mandatory isolation OIC, data from six million travellers in all modes has been provided to PHAC: 24 per cent were subject to mandatory quarantine or isolation and 76 per cent were exempt (e.g., essential travellers).
 - To support **family reunification**, 23,167 foreign nationals were allowed entry to reunite with an immediate family member. 442 applications were denied as they did not qualify for this exemption. In addition, since implementing extended family member provisions on October 8, 2,107 foreign nationals

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were allowed entry, whereas 280 extended family members were denied entry.

- Since October 8, PHAC has received 7,668 applications for an exemption from border restrictions and a limited release from mandatory quarantine for **compassionate reasons**. Of these, 88 per cent were approved, and 12 per cent were rejected. Of the approved applications, 54 per cent were for entry into Ontario, 17 per cent into British Columbia, and 13 per cent into Québec.
- A consistent number of **asylum seekers** at the Canada-U.S. border continues to be observed. Since March 21, 1,173 claimants arriving at a port of entry met an exemption to the Safe Third Country Agreement (STCA) and were allowed entry to Canada to proceed with their claim. Of those: 38 claimants were admitted into Canada from the U.S. as an exception to the OICs; 244 claimants were found to be ineligible under the STCA; and, 230 claimants were temporarily directed back to the U.S.

Clerk of the Privy Council and
Secretary to the Cabinet



Greffier du Conseil privé et
Secrétaire du Cabinet

Ottawa, Canada
K1A 0A3

UNCLASSIFIED

MEMORANDUM FOR THE PRIME MINISTER


DEC 21 2020

**UPDATE ON COVID-19 COMMUNICATIONS
AND MARKETING STRATEGY SPENDING**

(Information Only)

SUMMARY

- This note is an update to my November 2020 note on allocations to support campaigns in the 2020-2021 fiscal year from the \$50M received by PCO for COVID-19 Communications and Marketing.
- In total, \$44.6M from the \$50M allocated to PCO will be transferred to other departments to support COVID-19 response advertisements and marketing initiatives. The remaining funds are being used to support operations and research efforts to enhance our ability to monitor and respond to the public environment, including additional public opinion research, behavioural science expertise and usability testing.
- Allocations totaling \$33.9M have been approved in Supplementary Estimates B to the Department of Finance, Health/Public Health Agency, Employment, Social Development Canada, and Global Affairs Canada.
- Through Supplementary Estimates C, an additional \$10.7M will be transferred. Health Canada will receive \$7.4M to expand advertising on the COVID Alert App. A transfer of \$300K to Indigenous Services Canada will support National Indigenous Organizations to deliver marketing campaigns on COVID-19. PHAC will receive an additional \$3M to support ongoing health behaviour advertising, and advertisements to address vaccine hesitancy and vaccinations for priority populations. PHAC will supplement these funds with internal resources.


Ian Shugart

Bonvie/Wesley/MacKillop/Mondou/nl
Webcims #2020-COVID-COM-00010

Canada

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Transmittal Note / Bordereau de transmission

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|--|-----------------|--|-----------------|
| To / Pour : | | Date : | |
| The Clerk | | Dec 16, 2020 | |
| Subject / Objet: | | | |
| UPDATE ON COVID-19 COMMUNICATIONS AND MARKETING STRATEGY SPENDING | | | |
| From / De : | | Via: | |
| Name / Nom | Office / Bureau | Name / Nom | Office / Bureau |
| + - Laura Wesley | | + - Isabelle Mondou | |
| Approved By / Approuvé par : | | Drafting Officer / Rédacteur : <u>Lorna Bonvie</u> | |
| Name / Nom | Office / Bureau | Admin typist <u>nl</u> | |
| + - Ken MacKillop | | | |

Action Requested / Mesure de suivi :

- ☐ Your Signature / Votre signature
 ☐ Your Comments / Vos commentaires
 ☐ Your Meeting / Votre réunion
☐ Your Decision / Votre décision
 ☒ Your Information / À titre d'information

For the attention of / A l'attention du:

- ☒ Prime Minister / Premier Ministre
 ☐ Clerk / Greffier
 ☐ Minister / Ministre

Remarks / Observations :

Reference Numbers / Numéros de référence :

WEBCIMS # 2020-COVID-COM-0004 InfoXpress Transmittal Note / Bordereau de transmission
GCDOCS # InfoXpress Briefing Note / Note de breffage
 InfoXpress Other Numbers / Autres numéros

In consultation with / En consultation avec :

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| <input type="checkbox"/> Other / Autre : | | | | |

Distribution after signature / Distribution après signature :

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| <input type="checkbox"/> David Morrison | <input checked="" type="checkbox"/> Ken MacKillop | <input type="checkbox"/> Thao Pham | <input type="checkbox"/> Ian McCowan |
| <input type="checkbox"/> Vincent Rigby | <input checked="" type="checkbox"/> Isabelle Mondou | <input type="checkbox"/> Christiane Fox | <input type="checkbox"/> Janine Sherman |
| <input type="checkbox"/> Philip Jennings | <input type="checkbox"/> Jodie van Dieen | <input type="checkbox"/> Matthew Shea | <input type="checkbox"/> Catherine Blewett |
| <input type="checkbox"/> Other / Autre : | | | |